

24 JAN 2008

Call-in Notice

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To be completed by Members of the Public, as per the provisions of Overview and Scrutiny Procedure Rule 22.

Harrow Legal Services
24 JAN 2008
Rec'd 3.50pm

To: The Chief Executive

1. NOTICE OF CALL-IN OF EXECUTIVE DECISION

In accordance with Overview and Scrutiny Procedure Rule 22, we, the 150 signatories to this call-in notice (see numbered continuation sheets overleaf), being members of the public registered on the electoral roll of the London Borough of Harrow, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below.

2. DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:-

Decision: To consult on closure of Middle School West Lodge.

Made by: Cabinet (Christine Bednell)
(Cabinet/relevant Portfolio Holder)

Published On: 17 January 2008
(Date)

3. GROUNDS FOR CALL-IN

(Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5. Please note that, in the event that this call-in is referred to the Call-in Sub-Committee, the considerations of the Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary).

Please see attached grounds.

Once completed, please forward this form to Michelle Fernandes in Room 143, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

Grounds for Call in

We ask for the decision of Cabinet of 17th January 2008 to undertake a consultation on the closure of West Lodge Middle School to be called in and give our reasons below.

The Overview and Scrutiny Procedure Rules state that (para 22.5):

A notice by Members, or voting co-opted Members or the Members of the public to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) the action is not proportionate to the desired outcome;
- (e) a potential human rights challenge;
- (f) insufficient consideration of legal and financial advice.

We believe that conditions (a) and (f) have been met.

Inadequate consultation.

Middle School Governing Body is unarguably a stakeholder in this matter. However, it has not been consulted over the form or content of the proposal made by officers and endorsed by Cabinet – to undertake a consultation process in a manner prescribed. Had the detail of this proposal been made public, the Governing Body would have been able to make representations.

Our understanding is that a new steering group is to be established in the week commencing the 21st January, consisting of two members of our Governing Body and a parent from our school. A feasibility report is to be completed and sent to parents some two weeks later.

However, none of this detail was made public. The purpose of any consultation is to allow the decision maker to receive the views of those affected by their proposal, so as the final decision can be qualitatively better than one taken without the benefit of those representations. Given that the Governing Body is an expert in relation to its procedures, and in relation to the ways in which parental involvement can be sought and obtained, it is unsurprising that the decision, taken without seeking the views of that body, has resulted in a process that is fundamentally flawed, not least because it betrays a fundamental misunderstanding of the functions and constitution of a Governing Body of a Maintained School:

(a) The timetable for establishing the steering group in the week commencing 21st January with a feasibility report written, completed, agreed and sent to parents in the two weeks following is wholly unrealistic. There is simply insufficient time to delegate authority to individual governors, (who as individuals have no powers to act on behalf of the Governing Body unless authorised to do so by the Body as a whole). There is no power for the Governing Body to make such decisions in any other way but to hold a meeting. Governing Bodies are made up of lay members who cannot simply drop all their commitments at the drop of a hat, save in emergencies.

(b) No time has been allowed for the identification of the parent to take part or for an election (or other process) should more than one parent come forward. Some mechanism needs to be established and agreed.

(c) No detail has been given as to what arrangements would be made should individual members of the steering group not comply with the deadline, refuse to sign off the report, or how any disagreements will be dealt with. We have received no notification of who the independent chair will be or how any objections would be dealt with.

(d) The completed feasibility study is then to be put to parents and other stakeholders as the basis upon which a consultation on the possible closure of Middle School is to take place. It is therefore vital that the document contains sufficient information for stakeholders to consider and give their views. There is simply not enough time for this to be adequately done.

(e) the period of consultation is inadequate and takes place (partly) over the holiday period. Secretary of State's guidance on consultation recommends that holiday periods should be avoided.

(f) The Council itself commits itself to periods of consultation lasting 13 weeks unless there are compelling reasons to truncate this period. No such reasons exist. This is a matter of crucial importance to all involved with West Lodge Schools is obvious, and it can be in nobody's interests, (not least the children of West Lodge Middle School) to commence and conclude a process with what appears to be indecent haste.

Insufficient consideration of legal and financial advice.

The LA is required to have regard to the statutory guidance on closure of schools. The proposed consultation does not appear to comply with the guidance, see stage 1 of the Statutory Guidance on closure of a maintained school (a copy is attached).

Local Authorities are required to comply with statutory guidance issued by the Secretary of State, unless there are compelling reasons not to.

There are no compelling reasons to depart from the guidance in this case.