

**Report to the Cabinet Member for Children, Young People and Schools**  
**Report submitted by: Director of Children's Services**  
**Date: 19<sup>th</sup> May 2015**

**Part I**

Electoral Divisions affected:  
Skelmersdale Central,  
Skelmersdale East, and  
Skelmersdale West

**The Future of Glenburn Sports College: West Lancashire**  
(Appendices 'A' to 'D' refer)

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**Executive Summary**

This report aims to provide sufficient information on:

- the proposal to close Glenburn Sports College with effect from 31 August 2016;
- factors that the Decision Maker must take into consideration when determining the proposal and commentary on how the proposal addresses these factors; and
- the responses received during the statutory notice period in order for the Decision Maker to make a determination in respect of the proposal.

On 23 October 2014, the Cabinet Member for Children, Young People and Schools agreed to stage 1 consultation on a proposal to close Glenburn Sports College with effect from 31 August 2016. Between 3 November and 14 December 2014, the local authority consulted on the proposal.

After considering the consultation outcome and agreeing (on 12 February 2015) to proceed with the proposal, the authority published a statutory notice on 2 March 2015. In accordance with the statutory process for school discontinuance proposals, the notice invited representations (objections or comments) within the statutory four week notice period, i.e. from 2 March to 29 March 2015. Under the statutory school discontinuance procedure, a decision should now be taken about the proposal. If the authority fails to decide the proposal within two months from the end of the representation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for decision.

The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children, Young People and Schools.

This is deemed to be a Key Decision and the provisions of Standing Order No 25 have been complied with.

### **Recommendation**

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) consider the information in this report;
- (ii) approve (determine) the proposal as detailed in the statutory notice to discontinue Glenburn Sports College on 31 August 2016; and
- (iii) approve that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

### **Background and Advice**

After the authority's publication of a statutory notice on 2 March 2015, and expiry on 29 March 2015, of the four week statutory period for representations to be made about the proposal, the authority is now at stage 4 of the 5 stage statutory process.

This is summarised below:

<b>Action</b>	<b>Timescale</b>
Stage 1 consultation on the proposal to close Glenburn Sports College	3 November to 14 December 2014
Stage 1 report to Cabinet Member on the responses to the consultation and permission to publish notices	12 February 2015
Stage 2 publication of statutory notices	2 March 2015
Stage 3 representation period	2 March to 29 March 2015
Stage 4 Decision	19 May 2015
Stage 5 Implementation	31 August 2016

Full details of the school discontinuance proposals to be considered are at Appendix A. The information contains the published notice and complete proposal.

### **Checks on receipt of Statutory Proposals**

Before judging the merits of a statutory proposal, the Department for Education (DfE) Guidance 'School Organisation: Maintained Schools, guidance for proposers and decision makers' published in January 2014, advises that Decision Makers will need to be satisfied that the appropriate consultation and / or representation period has been carried out and that the proposer has had regard to the responses received. The Decision Maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

### Comment:

Statutory consultation was carried out prior to the publication of the statutory notice. The report to the Cabinet Member for Children, Young People and Schools on 12 February 2015 provides details of the stage 1 consultation and responses received. The consultation was carried out for the recommended minimum period of six weeks during term time and all relevant parties were consulted. The published notice complies with statutory requirements.

A summary of the written responses received to the representation period is provided within this report and all responses received have been placed on a file available in the Members' Retiring Room for inspection by the lead Cabinet Member in his role as Decision Maker. All consultation responses are available for public inspection through Lancashire County Council Pupil Places and Access Service (Telephone 01772 531957).

### **Factors that the Decision Maker must take into consideration when determining the proposal**

Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. To help local authorities to meet their duties and restructure local provision, they have the power to close all categories of local authority maintained schools. Reasons for closing a maintained mainstream school include where it is surplus to requirements (for example there are sufficient places in neighbouring schools to accommodate displaced pupils); and it is failing and there is no viable sponsored academy solution.

The Education and Inspections Act 2006, and Regulations made thereunder, provide that Decision Makers must have regard to guidance issued by the Secretary of State when taking a decision on closure proposals. DfE Guidance 'School Organisation: Maintained Schools, guidance for proposers and decision makers' provides that determinations on school closure proposals must be based on the factors specified in the full proposal notice and specified below (where relevant to the current proposal).

#### Views of those affected by the proposal

The Decision Maker should consider the views of those affected by the proposal or who have an interest in it. The Decision Maker should not simply take account of the numbers of people expressing a particular view. Instead, the Decision Maker should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school.

### Comment:

The Decision Maker (in this case the Cabinet Member for Children, Young People and Schools) took into account the views of respondents during the stage 1 consultation process when making the decision to progress to the next stage in the process (the publication of statutory notices). The Decision Maker is required, at this stage, to take account of statutory objections and comments made during the representation period.

By the close of the representation period on 29 March 2015, the local authority had received 16 written representations in total as follows:

- 4 joint responses
- 12 individual responses – 2 of which were very similar in content

The joint responses were from Ofsted; the governing body of Glenburn Sports College; St Helens Council; and two Skelmersdale district local councillors. Copies of the joint responses are attached at Appendix B to this report. The 12 individual responses were from the local Member of Parliament; 6 parents of pupils at Glenburn Sports College (past, present or future); 1 grandparent; 1 ex-pupil; and 3 individuals who did not state their interest in the school.

The responses to the proposal were as follows:

- 8 objected to the proposal;
- 5 suggested an alternative proposal (and objected to the current proposal);
- 2 made comments on the proposal; and
- 1 noted the proposal.

### **Alternative suggestions**

5 individuals or groups put forward alternative proposals. The alternative proposals all had a common focus – that of providing high quality education in Skelmersdale by establishing a new school in a central location. Some asked for a full review of provision and/or a deferred decision to give time to consult on the alternative proposal. Others recommended that any new provision should have community and/or sports facilities attached. A number of respondents considered that closure was a quick and easy solution and the local authority should, instead, have been focussing its efforts on improving secondary education standards across Skelmersdale. Others stated that if education provision was of a higher standard in the town then the pupil drift to schools outside of Skelmersdale would not have happened and there would be no need to close a school.

On 16<sup>th</sup> April 2015, Lancashire County Council received a communication from West Lancashire Borough Council (WLBC). The response is included in this report for completeness, though as the response was received well after the representation period had ended it is not categorised as a response to the statutory notice. The WLBC's Full Council is concerned about the impact of the closure (should it be approved) on children, teachers and parents, as well as the loss of community leisure facilities. Their Full Council called on Lancashire County Council to conduct a full-scale review of education provision in Skelmersdale and bring forward plans, should they be required, for a new, purpose-built school in a central location to ensure equal accessibility to all pupils in Skelmersdale.

Comment:

The alternative proposals were similar in content to those submitted during stage 1 of the consultation process and was addressed in the Cabinet Member report dated 12 February 2015. One centrally located school can only be delivered by one of two processes:

- the local authority could consult on the closure of more than one school and the establishment of a new academy on a new site or the Glenburn site; or
- the local authority could consult on the closure of the smallest school with the lower educational standards (Glenburn) and move another existing school on to the Glenburn site.

The first of these approaches cannot be pursued for the following reasons:

- apart from the Glenburn Sports College site, there are no other centrally located sites in the area capable of accommodating a secondary school;
- capital funds are not available to the local authority to build a new academy (including providing a new site if the Glenburn site is not used);
- the case around the closure of any other school in the area would be weak as educational performance is above the floor target in all cases - governing bodies could object to the proposal and the Schools Adjudicator would take the final decision; and
- the level of disruption to pupils' education would extend to two or more schools and the level of objection from parents and the community could be even greater than it is with the current proposal.

The second approach cannot be progressed because it would require the agreement of the governing body of the school to be moved on to the Glenburn site. At the close of stage 1 consultation, officers approached the governors of Lathom High School and their response, which was not in favour of the alternative proposal, was provided in the report dated 12 February.

## **Objections**

The reasons provided for objection to the closure were similar to those provided at stage 1 of the consultation process.

Concerns about the distance, safety of routes and costs of travel to alternative schools were cited by most respondents. The strain of bus fares on household budgets were of particular concern to parents who had more than one child affected by the proposal, as were the accessibility of alternative schools for out of hours activities and parents evenings, especially when parents did not have use of a car.

Many respondents raised the potential loss of sports facilities and other community / leisure facilities should Glenburn Sports College close.

The reasons provided for keeping Glenburn Sports College open were its central location and ease of access; its centrally located sporting facilities / the school was a community hub; the places were needed longer term/new houses were being built in the area; the school was unique - catering for a range of abilities; school staff were supportive and caring; and closure would have a devastating effect on children's future and on the town itself.

Some respondents raised concerns about the pupil projections for the area and what will happen if pupil numbers rise in the future – this was of particular concern to St Helen's Council. As was stated during stage 1 consultation some respondents repeated that the provision at Up Holland High School should not have been included in the review.

There was a concern from some respondents about the consultation exercise – its timing; whether views had been listened to at the end of stage 1 consultation; and assertions that the decision had already been made.

One respondent raised the cost of buying a new school uniform for pupils affected by any closure of the school.

Comments:

Officer responses to the statutory objections are provided in the appropriate sections below which also address issues that the Decision Maker must consider prior to determining the proposal.

#### Educational standards and diversity of provision

Decision Makers should take into account the overall quality and diversity of schools in the relevant area and whether the proposal will meet the aspirations of parents, raise local standards and narrow attainment gaps. The guidance is explicit that proposals to close a school and replace it with provision in a more successful and popular school should normally be approved, subject to the evidence provided.

Comment:

All of the secondary schools in the Skelmersdale planning area have higher education standards, as measured by examination performance data and/or as judged by Ofsted, than Glenburn Sports College. The information below provides details:

School	% pupils making expected progress		% of pupils obtaining 5 A* - C grades at GCSE including English and maths					Ofsted Grade
	English	Maths	2009/ 10	2010 /11	2011 /12	2012/ 13	2013/ 14	
Glenburn	44	41	38	29	39	41	27	Inadequate
Lathom	63	72	47	50	49	67	43	Req Imp
Upholland	73	80	53	53	69	58	68	Good
OLQP	56	66	51	62	62	66	46	Good

The Ofsted judgement on Lathom High School in February 2014 judged the school to be 'Good' in two categories: leadership and management, and behaviour and safety

of pupils; and 'Requires Improvement' in the remaining two categories: achievement of pupils and quality of teaching; leading to an overall Ofsted judgement of 'Requires Improvement'.

Lathom High School has higher GCSE results and a higher proportion of pupils making expected progress than Glenburn Sport College.

Whilst Up Holland was graded 'Inadequate' by Ofsted in October 2013, it was on the basis of one of the four categories only (achievement of pupils) – the remainder being judged to 'Require Improvement'. At its most recent Ofsted Inspection in March 2015, Up Holland High School was graded 'Good' overall and achieved a 'Good' rating for each of the four categories. Up Holland High School has higher GCSE results and a higher percentage of pupils making expected progress than Glenburn Sports College. The 2014 GCSE examination results for the school were sound at 68% of pupils achieving 5A\* - C grades including English and mathematics.

The closure of any school does represent a reduction in choice and diversity. However, first preference applications for admission to Glenburn Sports College are lower than any other Skelmersdale area secondary school and have declined from 82 in 2010 to 61 in 2014 (before consultation on closure was announced). The following table provides details:

	<b>First Preference Applications and Intake Year</b>						
	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>PAN*</b>
Glenburn	49	61	63	78	71	82	167
Lathom	79	64	87	108	145	167	160
Up Holland	88	104	132	136	112	153	180
OLQP	209	222	191	158	149	163	185
<b>Totals</b>	<b>425</b>	<b>451</b>	<b>473</b>	<b>480</b>	<b>477</b>	<b>565</b>	<b>692</b>

Therefore, the decision making criteria on quality and diversity have been satisfied.

#### Schools causing concern

DfE guidance states that for all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters should be made available to the Decision Maker. The Decision Maker should have regard to the length of time the school proposed for closure has been in special measures, requiring improvement or has otherwise been a cause for concern; the progress it has made; the prognosis for improvement; and the availability of places at other existing or proposed schools within a reasonable travelling distance. There is a presumption that closure proposals should be approved subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.

Comment:

The most recent Ofsted monitoring letter dated March 2015 is attached at Appendix C to this report. Over the past decade, the Ofsted Inspection reports for Glenburn Sports College graded the school as follows:

May 2006	-	'Satisfactory'
September 2008	-	'Inadequate'
February 2013 -		'Requires Improvement'
March 2014	-	'Inadequate'

The local authority has provided intensive support to Glenburn Sports College since 2008, when the school was judged by Ofsted to be 'Inadequate'. The school was included in the National Challenge Programme which brought in significant additional revenue funding between 2009 and 2011 and included the support of the National Challenge Adviser. Over the past four years the school has also received a range of additional support from the County Council. The level of support was increased significantly from the autumn term 2013 in an effort to secure improved performance across the school. This included intensive support from the school adviser and another secondary school and the provision of a range of support around teaching and leadership. However, in March 2014, Glenburn Sports College was judged to be 'Inadequate' overall by Ofsted. The inspection judged the school to be inadequate in relation to the achievement of pupils; quality of teaching; and leadership and management; and for the behaviour and safety of pupils the school was graded 'requires improvement'. In March 2015, Glenburn Sports College received its third monitoring inspection since the school become subject to special measures twelve months earlier. The conclusion of the monitoring inspection was that the school was not making enough progress towards the removal of special measures at that time.

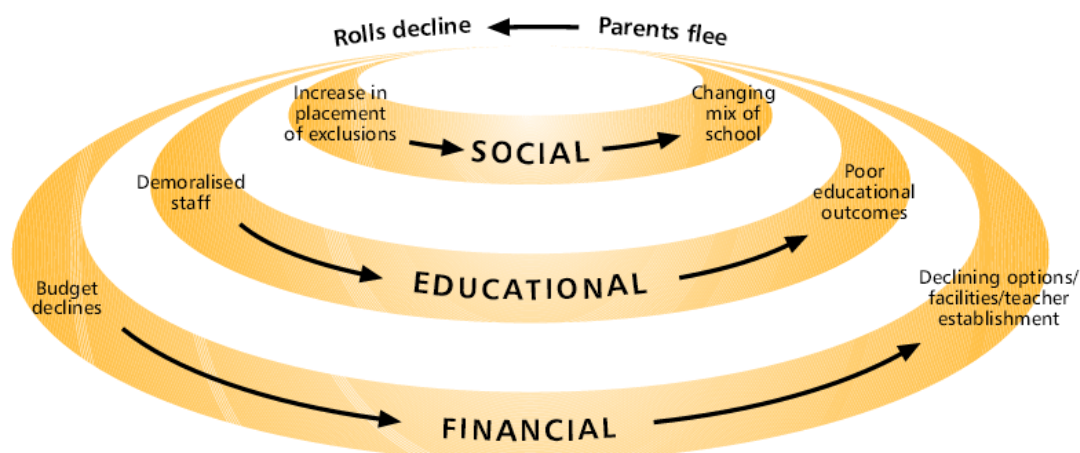
The stage 1 consultation document highlighted the challenges that schools face when they are in a cycle characterised by falling pupil numbers, reduced budget, reduced staffing levels and falling education standards. The Audit Commission Report: 'Trading Places: The Supply and Allocation of School Places' illustrated the spiral of decline that some schools with low pupil numbers can find themselves in.



*Exhibit 9*

**Schools in difficulty and spirals of decline**

Many schools in difficulty enter financial, social and educational spirals of decline – or a combination of all three.



Whilst the report is almost 20 years old, the diagram serves to illustrate the challenges faced by some schools when there are too many school places in an area and parents are able to exercise preferences for other schools. Whilst it is not suggested that Glenburn Sports College exhibits all of the above characteristics it is certainly a fact that pupil numbers have declined significantly over recent years, leading to budgetary and staffing pressures which then impact upon curriculum delivery and outcomes. Once schools find themselves in such a cycle it is extremely difficult to extricate themselves unless there is a significant and rapid increase in pupil numbers in the area leading to an increase in pupil numbers at the school (even though parental preferences may not initially improve). Unfortunately, this is not the case in Skelmersdale or West Lancashire as a whole, as the following section illustrates. It is also a fact that once consultation on closure begins, the school concerned inevitably experiences a degree of pupil drift away to alternative schools. Glenburn Sports College lost 32 pupils (net) between the autumn 2014 and spring 2015 pupil count dates, which exacerbates the situation. Therefore, taking into account the above factors, it is highly improbable that Glenburn Sports College, despite the best efforts of committed staff and governors and the support of the local authority, will be able to improve and secure its long term position as a viable, quality secondary school serving the Skelmersdale area.

The availability of places at other existing or proposed schools within a reasonable travelling distance is discussed in the following sections 'Provision for Displaced Pupils' and 'Travel and Accessibility'.

Therefore, the decision making criteria in relation to schools causing concern (standards element) have been satisfied.

Provision for Displaced Pupils

The Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the likely supply and future demand for places. The quality and popularity of these schools should also be considered.

Comment:

There is sufficient capacity within the Skelmersdale area secondary schools to accommodate the displaced Glenburn Sports College pupils. Pupil numbers at Spring 2015 were as follows:

School	Y7	Y8	Y9	Y10	Y11	Total	PAN**
Lathom	87	97	88	129	146	547	160
OLQP*	191	184	153	142	163	833	185
Up Holland	105	120	142	112	152	631	180
Total	383	401	383	383	461		525
<b>Available Places</b>	<b>142</b>	<b>124</b>	<b>142</b>	<b>142</b>	<b>64</b>		
Glenburn	64	63	61	61	79	328	167

\*Our Lady Queen of Peace

\*\*Published Admission Number

Lathom High School alone, which is the nearest alternative secondary school for the majority of Glenburn pupils, has sufficient places to offer to all those in the three year groups directly affected (Years 7 to 9).

In terms of future provision, the current predicted future intakes into the Skelmersdale planning area secondary schools indicate that there will be sufficient Year 7 places for the foreseeable future. The secondary pupil roll projections for the Skelmersdale area, which take into account parental preferences (and thus pupil migration into and out of the area) and adds pupil yield for all potential future housing development in the area, are as follows:

	Projected Intakes to Y7 at September										
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Grand Total including Up Holland	480	499	476	504	519	492	492	472	464	470	450

The total number of places available in the area is 525 and it is predicted that there will be sufficient places available in all year groups for the foreseeable future by quite some margin. It should be noted that the current pupil projections are lower than those presented in the Cabinet Member report dated 23 October 2014 because they are adjusted to reflect trends in actual intakes as a proportion of Year 6 numbers over a 5 year period. The intake prediction for 2015 was 480 pupils but just 436 have been allocated places across the four schools for September 2015, therefore, the predictions will again be adjusted downwards next time the annual projections are calculated.

The report dated 12 February provided information on projections both including Up Holland High School and excluding it. If Up Holland High School was excluded, the projections indicated that a maximum of an additional 45 places per year group would be needed until 2022 when pupil rolls are expected to decline. However, the provision at Up Holland High School cannot be discounted because it is the nearest school for

some Skelmersdale families and many Skelmersdale residents already attend the school.

In response to the concerns raised by St Helens Council, the provision of education for Lancashire residents is the responsibility of Lancashire County Council. Schools' admission criteria determine which children are offered places when schools are oversubscribed, with distance usually being the tie-breaker criterion regardless of administrative boundaries. Whilst some Skelmersdale children access places at Rainford High School in St Helens, there is equally a tradition of some St Helens children accessing places at Up Holland High School. Should additional school places be required in the future there is sufficient site availability at Lathom High School to allow for their provision.

Therefore, in terms of future provision (place availability) the decision making criteria above have been satisfied. The quality and popularity of alternative schools has been discussed under 'Educational Standards and Diversity of Provision'.

#### School size and budget

The Decision Maker should consider the impact on the Dedicated Schools Grant (DSG) of the need to provide additional funding to a small school to compensate for its size. All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

Comment:

Glenburn Sports College is predicted to have a £450,000 budget deficit by 2016/17 even though the governing body has taken action to reduce staffing with effect from August 2015. The Scheme for Financing Schools in Lancashire requires the governing body to establish a budget which does not result in an accumulated deficit at year end and, if the school is to remain open, the financial recovery plan would need to consider a further radical reshaping of the curriculum and further reductions in staffing accordingly.

#### Community Cohesion

The impact on community cohesion should also be considered by the Decision Maker, taking account of the community served by the school and the views of different sections within the community.

Comment:

As at January 2015, 86.3% of the pupil population at Glenburn Sports College was White British and all other Skelmersdale area secondary schools have predominantly White British pupil populations. There is no evidence that community cohesion will be negatively impacted upon by the closure of Glenburn Sports College.

The school provides sports and other facilities that are well used by the local and wider community. If these facilities were to close alongside the school the local community would lose a well-used facility but there is no evidence that this would impact negatively on community cohesion. Further information about the future of the sports facilities is provided under 'Community Services'.

## Travel and Accessibility

Decision Makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. The Decision Maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the local authority's duty to promote the use of sustainable travel and transport to school.

### Comment:

Glenburn Sports College is central to Skelmersdale and easily accessible by public transport as it is close to the town centre and bus station. Because of its central location many pupils walk or travel sustainably to school.

Travel impacts for individual pupils, either current pupils if Glenburn Sports College closes, or future secondary age pupils, is dependent on parental preferences and available spaces at schools. Parents do not necessarily choose their nearest or local school and, if places are available, children will be allocated and will need to travel the necessary distances.

Lathom High School is the nearest secondary school to Glenburn Sports College at 1.68 miles away along suitable walking routes (as opposed to straight line distance) and has available places in all year groups. Our Lady Queen of Peace is 1.79 miles away but is full in years 7 and 9 and Up Holland High School is 3.46 miles away and has places available in all year groups. These distances may be longer or shorter depending on where pupils live in relation to the schools (for example, some pupils living in areas such as Tanhouse and Digmaor will live less than three miles from Up Holland).

The Cabinet Member report dated 12 February 2015 provided information on the likely costs of transport to the local authority should various categories of displaced pupils be granted free travel to alternative schools. It was agreed that, because the proposal includes a guaranteed offer of a place at Lathom High School, the condition around attendance at the nearest suitable school will be waived for all current Glenburn pupils and those that have been allocated a place to start in September 2015. A desk top exercise estimated that around 80 pupils will have eligibility for free transport to Lathom High School if Glenburn Sports College closes.

Skelmersdale new town was developed with a view to facilitating sustainable transport around traffic free corridors. There are paved and lit footpaths, bridges and subways in many areas that allow individuals to walk or cycle without needing to come into contact with traffic. Whilst stage 1 consultation revealed that some parents were anxious about the loneliness of some routes and there were concerns about 'moral dangers', the law is clear that parents have the primary responsibility of ensuring their child's safe arrival at school. For those children that prefer to use a bus to arrive at school and are not entitled to free transport, the local authority will ensure that there is sufficient capacity on contracted services to transport children to their alternative schools, once all the destinations are known.

It is acknowledged that for some families the closure of Glenburn Sports College will place an additional strain on the family budget - particularly for those with no statutory entitlement to travel and who consider that public transport is their only option. However, the report dated

12 February 2015 provided details of the risks to the County Council in providing extended free travel for groups impacted by the proposal, including annual costs that would need to be met by the County Council against a reducing school transport budget. Any decision to extend the transport concessions already agreed to will need to be balanced against resulting front line impacts on other vulnerable groups as the Council endeavours to balance its reduced revenue budget.

Therefore, in response to DfE guidance above, depending on the mode of transport chosen by parents, travel costs may increase for families (some of whom may be categorised as disadvantaged) that are not entitled to free travel and decide to use the bus rather than travel sustainably to school. The mitigating factor is that if routes are deemed not suitable for accompanied children to travel along, the local authority must provide free transport regardless of the distance from home to school.

### Community Services

Where schools are a focal point for family and community activity, providing extended services for a range of users, the Decision Maker should consider the effects of closure on families and the community. Provision should be made for the pupils and their families to access similar services through their new schools or via other means.

#### Comment:

During stage 1 consultation, many respondents reported concerns about the potential loss of the community sports facilities on the Glenburn Sports College site should the school close.

In the report dated 12 February 2015 it was indicated that WLBC had been consulted about the potential loss of the sports facilities and its view that there was sufficient provision at various locations around Skelmersdale and that no further provision needed to be established. However, since then, a further meeting has been held between representatives of WLBC; West Lancashire School Sports Partnership which is based at Glenburn Sports College; West Lancashire Community Leisure (SERCO); and County Council officers. When WLBC first conducted its Strategic Review of Sports and Leisure Facilities in Skelmersdale, the consultation on the future of Glenburn Sports College had not started and, therefore, its sports hall, pitches and other facilities were not included within the scope of the review. However, should the facilities become available, WLBC confirmed that they would be in an attractive location and WLBC may be supportive of their continuation as a community asset but would not be in a position to provide any funding. Therefore the site would need to be fully viable as a community interest company via West Lancashire Community Leisure (SERCO). The current position is that provided that the facilities have no major condition defects and the site can operate as a viable entity, either as a stand-alone facility or as part of a Trust, there is the potential for them to be retained.

However, before the future of the sports facilities can be decided, the Secretary of State will need to determine what should happen to the whole of the Glenburn Sports College site. The section on Land and Property provides further information.

Therefore, whilst recent meetings about continuation of the sports facilities have been positive, there remain several legal and practical hurdles to surmount before it becomes a reality. The County Council will continue to facilitate discussions, where appropriate, with the aim of

securing continuation of the sports facilities on the site of Glenburn Sports College. Ultimately, however, the County Council is required to focus on its statutory responsibility of securing high quality education provision in the area and, should the continuation of the sports facilities prove not possible, this should not affect the decision on the proposal nor its implementation.

#### Balance of Denominational Provision

The Decision Maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area. However, this guidance does not apply where the school is severely undersubscribed or where standards have been consistently low.

Comment:

Glenburn Sports College School is not a school with a religious character, therefore this consideration is not applicable.

#### Rural Schools

There is a presumption against the closure of rural schools.

Comment:

Glenburn Sports College is not a rural school, therefore this consideration is not applicable.

#### Early Years Provision

There are additional considerations pertaining to the proposed closure of schools which offer early years provision.

Comment:

Glenburn Sports College does not offer early years provision, therefore these considerations are not applicable.

#### Nursery School closures

There is a presumption against the closure of nursery schools.

Comment:

Glenburn Sports College is not a nursery school, therefore this consideration is not applicable.

### Equal Opportunity Issues

The Decision Maker must have regard to the Public Sector Equality Duty (PESD) of local authorities, which requires them to have due regard to the need to eliminate discrimination; advance equality of opportunity and foster good relations. The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed.

Comment:

A full Equality Analysis is attached at Appendix D. There are no sex, race or disability discrimination issues that arise from the changes being proposed.

### Capital

The Decision Maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties have given their agreement.

Comment:

There is no requirement for land, premises or capital investment in order to implement the proposal. The report has demonstrated that there are sufficient places available in other Skelmersdale schools to accommodate the Glenburn Sports College pupils and that three schools at their current sizes are sufficient for the foreseeable future.

However, funding is available via the current schools' capital programme to undertake an element of remodelling for any school that admits the majority of Glenburn Sports College pupils. In addition, schools' maintenance funding is available to undertake condition works across the school estate according to priority need.

### Other Issues raised during representation stage

Some respondents raised concerns about the consultation exercise itself. The earlier section 'Checks on receipt of Statutory Proposals' clarified that all due legal processes have been complied with, including the full consideration of responses by the Decision Maker at the end of Stage 1 consultation before deciding to proceed with the next stage in the process.

One respondent raised the cost of buying new school uniforms for pupils that will move schools if the proposal is approved. The local authority does not have a scheme to assist with uniform costs for new starters or those changing schools, however, there is discretion to assist in certain circumstances. Any request for assistance will therefore be considered – especially from low income families.

If granted payments are likely to be assistance towards costs and not full reimbursement.

## **Conclusions**

Stage 1 consultation demonstrated that parents of pupils and others associated with Glenburn Sports College are loyal to the school and hold its quality of care for pupils in high regard. However, the fact remains that education outcomes for pupils are below floor targets and are not as high as at other schools with available places.

The proposal to close Glenburn Sports College will contribute to raising local standards of provision and will lead to improved attainment for children and young people in the area. Additionally, pupil numbers at Glenburn Sports College are low with little prospect of increasing and places will be available in the foreseeable future within other local secondary schools for those residents that want one. The local authority has a statutory duty to address this situation.

The statutory guidance from the DfE 'School Organisation: Maintained Schools, guidance for proposers and decision makers' provides factors which the Decision Maker must take into account when determining school closure proposals. The guidance states that:

- proposals to close a school and replace it with provision in a more successful and popular school should normally be approved, subject to the evidence provided; and
- there is a presumption that closure proposals (for schools causing concern) should be approved subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.

The guidance further states that reasons for closing a maintained mainstream school include where it is surplus to requirements (for example there are sufficient places in neighbouring schools to accommodate displaced pupils); and it is failing and there is no viable sponsored academy solution.

This report has demonstrated that, on the basis of DfE criteria, the Decision Maker should approve the proposal to close Glenburn Sports College with effect from 31 August 2016.

## **Implications:**

This item has the following implications, as indicated:

### **Risk management**

The Authority has a statutory duty to secure high quality school places for its residents. A failure to address the low education standards at Glenburn Sports College runs the risk of the Authority being seen by DfE and Ofsted to be failing in its statutory responsibilities. The Secretary of State for Education may, under section 68 of the Education and Inspections Act 2006, direct a local authority to close a maintained school requiring special measures. This will usually only be done where there is no prospect of the school making sufficient improvements and where there is a sufficient supply of alternative school places in the area. Such a direction does not require full public consultation nor the publication of a statutory notice.

In the case of the current proposal, Glenburn Sports College is in special measures and alternative school places can be secured for children affected by the proposed closure at



neighbouring schools with higher standards of education, either as judged by Ofsted and / or as demonstrated by the percentage of pupils achieving 5 A\*-C grades at GCSE including English and mathematics. Failure to approve the proposed closure could result in a direction by the Secretary of State to close the school. Such a direction could be with immediate effect rather than the proposed phased closure over two years, which would present further challenges around the continuity of the Year 10 curriculum.

There are implications for staff employed in the school but the Authority has experience in staff redeployment and retraining and a good record in avoiding compulsory redundancies.

### **Financial Implications**

Within the County Council when a school closes pupils are offered alternative provision at a nearby school. The school accepting pupils are funded for those pupils in the following year. This is the normal process provided for schools as agreed by the authority and Lancashire Schools Forum within the DfE regulations. When the number of incoming pupils to a new school is small this does not represent a financial issue for the accepting school.

In this case, the financial turbulence is more significant as there is a phased closure creating a pre closure transfer of up to 400 pupils or impact of circa £2 million on the Dedicated Schools Grant (over the period of transition). This is the first phased closure the County Council has dealt with and so it is currently developing with the School Forum interim funding solutions to alleviate the funding issue affecting schools accepting these displaced pupils.

### **Land and Premises**

DfE guidance states that when a foundation school is closed, those persons holding land for the purposes of the school need to apply to the Secretary of State to decide what should happen to any land used by the school that has been provided, acquired or enhanced at public expense. This legislative requirement is contained in Part II of Schedule 22 to the School Standards and Framework Act 1998 (as amended by Schedule 4 of the Education Act 2006). The Secretary of State's powers enable her to:

- require the land to be transferred to the school's maintaining local authority
- allow the governing body, foundation body or trustees to retain the land

or

- require the land to be transferred to another maintained school

The vesting of the Glenburn Sports College site to the Trustees, arising from the school's change of status from community to foundation school, has completed, however the legal paperwork and Land Registration has not yet been completed.

If the sports facilities are to be retained as a community asset, the release of the portion of the site will be dependent on the Secretary of State's decision as to what should happen to the whole site. If she decides that the Trustees should retain the land any future usage of the sports facilities post closure of the school will be dependent on the decision of the Trustees, as land owners.

### **Equality and Diversity**

A full Equality Analysis is attached at Appendix D.

## List of Background Papers

Paper	Date	Contact/Directorate/Tel
Written responses received during representation period	March 2015	Steph Rhodes; Children and Young People Directorate; Provision Planning Team; Tel No: 01772 531957
Reason for inclusion in Part II, if appropriate		
N/A		