

## **Summary of key issues raised through the Thomas Whitham Sixth Form Initial Consultation and Lancashire County Council's Response**

The stage 1 consultation period ran from 16 September to 1 November 2019, during school term time. The consultation document, at Appendix 'A', provided information on how interested parties could share their views on the proposal.

During this period, a consultation event was held at the school between 3pm and 9pm on 23 September 2019 for parents, staff, students, governors and any other interested parties to ask questions and make comments on the proposal. The format of the event was appointment led, although drop in appointments were also available, and was in accordance with the local authority's normal practice as it enables individual, and sometimes sensitive, issues to be raised and discussed with appropriate officers in a personal and confidential manner. A summary of the notes taken at the event is set out in Appendix 'C'.

All of the comments and responses received through the questionnaire and at the consultation event will be taken into account prior to a decision being made on the publication of a Statutory Notice.

### **Consultation responses**

The consultation document asked for views on a proposal on the future viability of Thomas Whitham Sixth Form (the school). The consultation document did state that if the consultation determines that the school is no longer viable, it is possible that the school will close with effect from 31 August 2020.

By the close of the consultation period on 1 November 2019, a total of 212 responses to the questionnaire had been received from students, staff, governors, members of the local community, parents and other interested parties. In addition to the questionnaire responses, we also received six separate responses. These included responses from staff at the school, a local employer, the leader of Burnley Borough Council, and a petition against the closure of the school with 268 signatures, as submitted by a local elected member.

From reviewing all of the consultation responses, the key issues which have been raised relate to the following: the offer at the school in terms of provision, support and the overall environment; removing choice from young people; the impact on staff; the impact on current students; the impact on the local community; and finance and building/campus issues. As can be seen from Appendix 'C', these are in line with the issues raised at the consultation event. Lancashire County Council's (LCC) response to these issues is set out below.

In addition to the main issues outlined above, a wide range of other comments were received. The most frequent comments were as follows: marketing of the school needs to be addressed and improved; the consultation process; suggested alternative options; the support the school has received from LCC; and respondents expressing a general sadness at the situation being faced by the school.

As well as the issues and concerns being raised, a small number of respondents were in support of the school closing.

## **Local authority responses**

The local authority's response to these key issues and concerns being raised is set out below.

### The school's offer, environment and support for students

The main comments received about the school's offer, its environment and its support for students relate to the following: students like the environment at the school, such as the smaller classes, and that this is particularly beneficial for young people with SEND (special educational needs and disabilities) and for those who can find it difficult to cope in a larger environment; the smaller setting allows students to receive better support; the school allows young people to be themselves and not just a number in a larger setting; the pastoral support at the school is excellent; there are concerns that the support won't be as good in a large college; the school provides a safe environment for less confident or more vulnerable students; the school offers good provision for young people with ASD, ADHD, anxiety and mental health issues; the school and its students consistently achieve good outcomes; the school is recognised as Good by OfSTED; the provision offer at the school, such as combining A levels and BTECs, is not available elsewhere; and specific courses are not available elsewhere.

### Local authority response

It is acknowledged that the school offers a particular environment that is preferable for some young people, particularly those who feel that a large college environment is not suitable. We note that there are currently no students on roll at the school with an Education, Health and Care Plan (EHCP). Whilst the local authority recognises the benefits of the smaller setting provided by the school, this remains financially unviable. This has also been the case in other school sixth forms across the county, with six schools closing their sixth forms, for similar reasons in recent years.

It must be noted that, whilst a college environment differs from that of the school, this does not mean that a college is unable to provide high quality support for young people.

The curriculum offer at the school has been compared to that of the most popular providers being accessed by young people from Burnley and Pendle. This showed that all of the subject areas are available at at least one of the alternative providers, with the majority of subjects being available at both Burnley College and Nelson and Colne College. There are three courses where there is not a direct match at another provider but there are a range of alternatives within the same subject area. Of the three courses without a direct match, the school did not deliver two of these in the 2017/18 academic year. In relation to the third course, eight learning aims were delivered in 2016/17 and 12 were delivered in 2017/18. This shows that the significant majority of courses offered by Thomas Whitham Sixth Form are available at another local provider. Where a course is not available, it is expected that this will only affect a small number of young people and alternative courses are available within the same subject area.

In addition to this, both Burnley College and Nelson and Colne College are able to offer a mixed curriculum offer where this is felt to be in the best interests of the young person and where more suitable options are not available.

## Reducing the education options for young people

The main comments received about reducing the education options for young people relate to the following: closing the school will remove choice for young people in the area; there will be no accessible sixth form provision in Burnley; college provision should not be the only option for young people and it is not suitable for everyone; where will young people go if they don't get into college as there are no other local options; and the standards at the nearby colleges were questioned.

### Local authority response

It is acknowledged that, if the school were to close, options for young people in the area would be reduced and that there would be no school sixth form in Burnley. It should be noted that this is the case in other parts of Lancashire.

With regard to all Education and Skills Funding Agency (ESFA) 16-18 funded provision, the school is the 5th choice amongst young people from Burnley and Pendle. In terms of where young people from Burnley and Pendle are accessing post 16 provision which is funded by the ESFA, the breakdown is as follows: 40.3% chose to go to Nelson and Colne College; 38.0% chose Burnley College; 2.7% chose Craven College; 2.5% chose Clitheroe Royal Grammar School; and 2.4% chose Thomas Whitham Sixth Form. The remaining 14.1% of young people chose to study at 49 other providers. This shows that, whilst the provision in the district may reduce, there is a range of provision available for young people to access as an alternative to Thomas Whitham Sixth Form.

Should young people experience an increase in travel costs which may deter them from participating, they may be eligible to access financial support through the 16-19 Bursary Fund, which colleges and school sixth forms receive from the ESFA. In addition, most colleges offer subsidised travel passes or discounted tickets to assist young people with the cost of travel.

The significant majority of students attending Thomas Whitham Sixth Form are from the Burnley and Pendle districts. Within these districts, there are three mainstream 16-18 ESFA funded providers, including the school. Burnley College is judged as 'Outstanding' by OfSTED. Due to its merger with Accrington and Rossendale College in November 2018, Nelson and Colne College does not currently have an official OfSTED judgement. However, prior to the merger, Nelson and Colne College was judged as 'Outstanding' and Accrington and Rossendale College was judged as 'Good'.

To ensure that there are suitable alternatives available in the locality for any student wishing to review their options, we have compared the school's offer to that of the most popular providers being accessed by young people from Burnley and Pendle. This showed that all of the subject areas are available at at least one of the alternative providers, with the majority of subjects being available at both Burnley College and Nelson and Colne College. There are three courses where there is not a direct match at another provider but there are a range of alternatives within the same subject area.

### Staffing

The main comments received about staffing relate to the following: job losses; the redundancy process; support available for staff throughout the process; and why has a

substantive Head not been appointed. A number of positive comments were also made about the staff at the school in relation to their passion, their relationship with students and their commitment and dedication to the students and the school.

### Local authority response

The strengths and commitment of the staff at Thomas Whitham Sixth Form are not in question.

HR advice and support is being provided to the school through the current service level agreement with the LCC Schools' HR Team. If the decision is taken to close the school, HR representatives would arrange to meet with staff and unions to formally conduct a redundancy exercise and this would start as soon as possible in 2020. Although attempts will be made wherever possible to secure employment at other LCC schools to mitigate against job losses, there are no guarantees that this will be achievable, particularly given that there is very limited further education provision in schools maintained by LCC. It is likely, therefore, that most, if not all, remaining staff would be made redundant when the school closes. Arrangements can be made for a representative from the Lancashire Teaching Agency to meet with staff to discuss supply teaching opportunities for staff who have not secured employment following closure.

Retention of staff at the school during the spring and summer terms could prove problematic with staff naturally seeking alternative employment elsewhere, particularly given that job vacancies in further education are not as prevalent as job vacancies in mainstream 11-16 provision. Staff are likely to apply for suitable vacancies sooner rather than later to avoid facing the prospect of not having secured employment when the school closes. The payment of retention payments to staff on the condition that they stay until closure may help to stem this, if LCC agreed to offer these. Payments would need to be sufficiently attractive to staff to induce them to take the risk of staying and not securing employment earlier when opportunities arise.

The wellbeing of staff during any redundancy exercise is paramount. Support can be provided by the school via referrals to occupational health and staff have been signposted to sources of support such as the Education Support Partnership charity.

Should the decision be taken to close the school:

- there will be a formal consultation with recognised trade unions/professional associations and Thomas Whitham Sixth Form staff. This discussion will include redundancy and the process surrounding this
- Estimates of voluntary redundancy payments and pension estimates will be provided. Applications for voluntary redundancy will be invited in the event of a school closure and these will be considered by LCC's School Improvement and Challenge Board. It is at the discretion of LCC and the school whether an employee can finish on voluntary redundancy earlier than August 2020.

Temporary staff are also able to apply for teaching posts within LCC or elsewhere, such as academies and colleges.

With regard to the appointment of a substantive Head, the governors made an internal substantive appointment in April 2017, with the post commencing in September 2017. The Head left in summer 2019. Due to the request from governors in July 2019 to consult on the viability of the school, interim leadership arrangements were put in place whilst the process is underway.

### Impact on current students

The main comments received about the impact on current students relate to the following: allow existing students to complete their courses at the school; the courses being undertaken by some students are not available elsewhere so what will they do; will they have to start their courses again; what about those who cannot travel; the impact on vulnerable and disadvantaged students; how will students get the support they need; some students do not want to move to a college environment; and the impact on friendships.

### Local authority response

We know that this will be an unsettling time for students, as well as staff and parents. Whilst no decisions have been made at this stage, it is understandable that students, families and carers may have concerns.

For students currently in their final year of study, there should be no implications, as they will sit their exams as normal and leave the sixth form next summer.

If, ultimately, the decision is taken to close Thomas Whitham Sixth Form, the local authority will work with the school to support all young people who are part way through their course to find a place at an alternative provider and will aim to ensure a smooth and successful transition for those moving to a new setting. For those young people who may move to a new provider, it is expected that the transition arrangements to the new provider will include a review of the work they have undertaken to date to ensure that, wherever possible, this is taken into account and minimises the need to begin a course again.

In addition to transition information on a young person's course, it is expected that any support requirements will also be discussed between the school and the new provider to ensure that they are aware of the needs of individual students and can put the required support arrangements in place.

Where a student has a learning difficulty or disability that calls for special educational provision, the new provider must use its best endeavours to put appropriate support in place. Young people should be supported to participate in discussions about their aspirations, their needs, and the support that they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community. We note that there are currently no students on roll at the school with an Education, Health and Care Plan (EHCP).

Support should be evidence based. This means that colleges should be aware of effective practice in the sector and elsewhere, and personalise it for the individual. They should keep the needs of students with SEN or disabilities under regular review.

Colleges should take a cyclical approach to assessing need, planning and providing support, and reviewing and evaluating that support so that it can be adjusted where necessary. They should involve the student and, particularly for those aged 16 to 18, their parents, closely at all stages of the cycle, planning around the individual, and they should ensure that staff have the skills to do this effectively.

The local authority will also work with the school to create as much stability as possible in both provision and staffing for the remainder of the academic year to ensure that the disruption to students is minimised wherever possible.

To ensure that there are suitable alternatives available in the locality for any student wishing to review their options, we have compared the school's offer to that of the most popular providers being accessed by young people from Burnley and Pendle. This showed that all of the subject areas are available at at least one of the alternative providers, with the majority of subjects being available at both Burnley College and Nelson and Colne College. There are three courses where there is not a direct match at another provider but there are a range of alternatives within the same subject area.

Should young people experience an increase in travel costs which may deter them from participating, they may be eligible to access financial support through the 16-19 Bursary Fund, which colleges and school sixth forms receive from the ESFA. In addition, most colleges offer subsidised travel passes or discounted tickets to assist young people with the cost of travel.

It is acknowledged that the environment at a large college is different to that at the school. However, this does not mean that a college is unable to provide high quality support.

#### Impact on the local community

The main comments received about the impact on the local community relate to the following: fewer people accessing the campus will mean less money being spent in local businesses; the school is a hub and a safe haven within the community; what will happen to the community facilities, such as sports facilities; the school is an asset to the community; and closing the school in a deprived area is removing a route into education for some young people.

#### Local authority response

The local authority recognises that the closure of a school can impact on the wider community and the comments received during the consultation about how the school has a positive impact in the local community has been noted.

The local authority recognises that there is a wide range of community access to the various facilities provided at the campus, including those within Thomas Whitham Sixth Form. As part of the process to determine the future use of the accommodation, should the decision be taken to close the school, the local authority will look at what arrangements are possible to ensure that as wide a range of community access as is reasonably practicable can be facilitated in the future.

## Finance and building related issues

The main comments received about finance and building related issues relate to the following: the Private Finance Initiative (PFI) costs/contract and whether this can be renegotiated; the PFI costs will still need to be paid even if the school closes; can the rates be renegotiated and can the overpayment be reimbursed; how will the closure impact on the other campus partners, for example the shared services, access to the schools facilities and potentially increased costs; what are the strategic plans for the site; what impact has moving the City Learning Centre (CLC) into the building had on the school's financial position; can an independent financial review be undertaken; can the funding for the school be increased; and can the space occupied by the school be reduced, thereby reducing the costs.

## Local authority response

The governing body at Thomas Whitham Sixth Form has expressed concern about the financial situation at the school. Despite the best efforts of the school, and with the support the school has received from the local authority, it has been unable to make sustained improvements over time and the governors felt that it was time to consider the long-term future of the school. The status quo position is not an option due to the scale of the financial deficit position of the school.

Should the school close, the responsibility for the existing deficit falls to the local authority. The deficit is expected to increase by £1,000,000 each year if the school remains open. Closure of the school would result in the loss of the current school contribution of circa £300,000 but this would stop the deficit growing further.

Thomas Whitham Sixth Form is one of only three sixth form only schools in the country and has, until very recently, been classified by the Ratings Agency as a "Further Education" institution and thus not eligible for rates rebate. The local authority has been working with the Ratings Agency for a protracted period of time to address this.

The local authority has been successful in its challenge to the Ratings Agency and has achieved a one-off, retrospective rebate in the region of £350,000, which can, in part, be used to offset the existing deficit of £3.2 million. The renegotiated rates for Thomas Whitham Sixth Form, from 2017 onwards, will have minimal impact on the overall financial health of the school.

With regard to the future use of the space, in the event that Cabinet takes the decision to close the school, there are currently no plans for the future use of the premises. The proposal to close the school must be agreed before any decisions are made about the future of the site. The potential future use of the site has not influenced the local authority's decision to consult on the future viability of the school.

The local authority is aware of the concerns being expressed by the other partners on the Campus and we will continue to work with them to understand their proposals for alternate use of the accommodation.

Prior to the CLC moving into the Burnley Campus, Thomas Whitham Sixth Form occupied 12,952m<sup>2</sup>. The CLC has occupied 590m<sup>2</sup> of surplus accommodation on the first floor of the building. As a result, Thomas Whitham Sixth Form continues to occupy 12,362 m<sup>2</sup> of space.

The local authority is currently in the process of reviewing elements of the PFI contract to ensure that it provides the best value for money for the local authority and the partners occupying the building. As the core elements of the PFI contract cannot be changed, it is unlikely that any renegotiation will be sufficient to address the financial sustainability.

### Other issues

The main comments received about other issues relate to the following: marketing of the school needs to be addressed and improved; the consultation process, including the letter being sent in the summer and an alleged phone call being made by LCC to local schools advising them not to send their pupils to Thomas Whitham Sixth Form; suggested alternative options such as converting to an academy, change the age range of the school, becoming a specialist provider in a particular curriculum area or working in partnership with UCLan; and the support the school has received from LCC.

### Local authority response

The school has had concerns about its future viability for a number of years and has had support from the local authority to implement a number of actions. Because the school provides a good quality of education and a valuable offer to young people, the local authority wanted to provide school leaders and governors every opportunity to find a sustainable solution. It is unfortunate that they have not been able to do this.

Specific support provided by the local authority includes the following: commissioning an independent external review of future options in 2013 and paying for the external consultant; brokering in a recently retired Burnley Headteacher to support governors and school leaders to seek a sustainable solution for the school; brokering the link with Burnley College to explore forming a multi-academy trust; brokering interim leadership from another Lancashire Headteacher to prepare the school for inspection, which resulted in a Good overall judgement, and to explore sustainable solutions for the school; agreeing to the permanent appointment of the previous Headteacher and allowing the school a further two years to find a sustainable solution.

It must be noted that the independent external review of future options concluded that there did not seem to be a way in which Thomas Whitham Sixth Form could secure a long term future as an independent institution. The governors accepted this conclusion.

The local authority's finance team and school improvement service have had many meetings with both the senior management team and the governing body over the last five years to identify the issues, provide focused specialised and technical support and to warn of the consequences of a growing and unsustainable financial deficit. Two years ago, with the appointment of a new Headteacher, an attempted relaunch was undertaken. Whilst some progress was made it was not sufficient to halt the growing "in year" financial deficit.

In 2014, the school explored the option of converting to academy status and joining a Multi Academy Trust but these plans were abandoned in 2015, with the budget deficit being a barrier under the due diligence process. The school explored the possibility of a federation partnership with a local school in 2017 but again, this did not proceed. It is

likely that the nature of the PFI funding of the school building has deterred potential sponsors/partners.

Since the independent external review was undertaken in 2013, the school has had the opportunity to investigate options such as changing its age range, identifying suitable partner options or offering provision for adults but none of these were progressed.

Despite the best efforts of the school and with the support of the local authority, Thomas Whitham Sixth Form has not been able to increase its student numbers sufficiently to generate financial sustainability as a result. The school is operating significantly below its capacity and this has led the governing body to request that the local authority undertakes an assessment of its future viability.

The governing body made the decision to send out a letter to staff, parents, current students and prospective students. From an LCC perspective, we agreed with governors that it was in the best interests of the students to make them aware of the situation facing the school, enabling them to make an informed decision about their further education plans.

A number of comments were received through the consultation to say that a member of staff from LCC called all the Headteachers in Burnley advising them not to send their pupils to the school. At no point did anyone from LCC ring round the schools. Our understanding is that, at a meeting of local Headteachers on the day prior to GCSE results day, the consultation was raised following its coverage in the local press and a member of the meeting contacted LCC for clarification. On the basis of this, Headteachers made their own decision on how to respond, in the best interests of their Year 11 pupils.

## **Conclusions**

The consultation asked respondents to select their preferred option for the future of Thomas Whitham Sixth Form and, with 88% of the responses, the most popular option was to continue as things are.

The consultation process highlighted a range of concerns should the school be closed. In the main, these related to the disruption to students' education, the loss of jobs for staff, the removal of support for vulnerable students and the loss of a community asset. In addition, a number of suggestions have been made about securing the future of the school. These include requesting that the school be given more time to address the issues, increase the schools marketing to increase student numbers or changing the curriculum offer to attract more students.

It must be noted that the original issues and concerns held by the local authority in relation to the school remain valid. These are set out in the Cabinet report dated 5 September 2019 and are also in the consultation document. Despite the best efforts of the school and the support of the local authority, Thomas Whitham Sixth Form has been unable to improve its financial position over a number of years. Therefore, the local authority is taking action to address this, as a school cannot be allowed to set a deficit budget indefinitely. To date, Thomas Whitham Sixth Form has set a deficit budget for 11 years, including this current year. The school is also forecasting a deficit budget for 2020/21 and 2021/22. As the deficit continues to increase, this increases

the liability to the local authority and the services it is able to provide to the wider community.

If, ultimately, the decision is taken to close Thomas Whitham Sixth Form, the local authority will work with the school to support young people in finding a place at an alternative provider and will aim to ensure a smooth and successful transition for those moving to a new setting. The local authority will also work with the school to create as much stability as possible in both provision and staffing for the remainder of the academic year to ensure that the disruption to students is minimised wherever possible.