

MEETING:	CABINET
DATE:	16 DECEMBER 2010
TITLE OF REPORT:	CHILDREN'S SERVICES SCRUTINY COMMITTEE CALL IN OF DECISION TO DISCONTINUE DILWYN CHURCH OF ENGLAND PRIMARY SCHOOL
PORTFOLIO AREA:	ICT, EDUCATION & ACHIEVEMENT

CLASSIFICATION: Open

Wards Affected

Golden Cross with Weobley

Purpose

To consider the outcome of the Children's Services Scrutiny Committee meeting on 10 December 2010 which will review the Cabinet decision of 25 November 2010 that Dilwyn Church of England Primary School be discontinued from 31 August 2011.

Key Decision

This is a Key Decision.

Recommendation

THAT the response from the Children's Services Scrutiny Committee be considered.

Key Points Summary

- Cabinet took the decision to discontinue Dilwyn Church of England Primary School from August 2011 following an extensive review of the school, including appropriate statutory processes and exploration of options for federation. The review was undertaken in line with Herefordshire's Small Schools Policy. The decision of Cabinet on the 25 November 2010 was taken in the light of a joint statement between the Archdiocese of Cardiff, the Diocese of Hereford, the Chair of St Mary's Roman Catholic High School and the Director of Children's Services which confirmed that all opportunities for collaboration had been explored, but that the concerns regarding financial viability and long term sustainability remain un-reconcilable.
- This decision was called in by three Members of the Children's Services Scrutiny Committee, Councillors JJD Lavender, SJ Robertson and AM Toon and the Cabinet decision will be considered by Children's Services Scrutiny Committee on 10 December 2010. The results of this meeting will be reported to Cabinet on the 16 December 2010 for consideration.

Further information on the subject of this report is available from
David Sanders, Director of Children's Services 01432 260039

Alternative Options

- 1 None are presented in relation to considering the response from Children's Services Scrutiny Committee.

Reasons for Recommendations

- 2 Cabinet is required to consider the response from Children's Services Scrutiny Committee as part of its responsibilities as set out in Herefordshire Council's Constitution.

Introduction and Background

- 3 The future of educational provision in Dilwyn has been the matter of review and consideration since February 2009, under the small schools policy. Cabinet has received a number of reports over a period of time exploring the issues surrounding Dilwyn Church of England Primary School. The work culminated in Cabinet's decision to discontinue the school from August 2011.

Key Considerations

- 4 In accordance with the Scrutiny Procedure Rules set out at Part 4 Section 5 of the Constitution, Cabinet's decision on 25 November 2012 that Dilwyn Church of England Primary School be discontinued on 31 August 2011 was called in for consideration by Children's Services Scrutiny Committee. The stated reasons for the call-in were:
 - Hope under Dinmore school and Brilley School went through the scrutiny process the same should be afforded to Dilwyn.
 - Little weight in the report has been given to the impact the closure will have on the community.
 - The report does not take into account the change of Government and their new policy of maintaining small rural schools stating that every assistance and support should be given to keep them open to help the viability of rural villages (Dilwyn School has the support of the MP).
 - Federating with St Mary's has been the main option, the report does not look at other federations such as Lord Scudamore, or other primary schools outside of the cluster.
 - A number of other schools have been in similar circumstances and problems have been overcome with the support of the Local Authority ie Canon Pyon and Eardisley.
 - Numbers are increasing, (33 now on roll) 3 from the trigger point of 36. There is evidence that 13 would have gone to Dilwyn.
- 5 These issues are to be explored at Children's Services Scrutiny Committee on 10 December 2010.

Community Impact

- 6 The community impact has been explored in previous Cabinet reports on this matter.

Financial Implications

- 7 Financial Implications have been explored in previous Cabinet reports on this matter.

Legal Implications

- 8 The legal context for the process of considering the future of a school and possible closure of a school is provided by the Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments) (England) Regulations. It also is within the context of the statutory guidance "Closing a Maintained Mainstream School".
- 9 As there have been objections to the proposal to close Dilwyn Church of England School the following bodies may appeal against the Local Authority decision - the local Church of England diocese; the Bishop of the local Roman Catholic diocese; and in the case of foundation or a voluntary school, such as Dilwyn School, the governing body or trustees of the school that is proposed for closure.
- 10 Appeals must be submitted to the Local Authority within four weeks of the notification of the Local Authority's decision. On receipt of an appeal the Local Authority must then send the proposals, and the comments and objections received, to the schools adjudicator within one week of the receipt of the appeal. The Local Authority should also send to the schools adjudicator a copy of the minutes of the Local Authority's meeting or other record of the decision and any relevant papers. This process would be followed if the decision of the Cabinet on 25 November 2010 stands.

Risk Management

- 11 A decision to close Dilwyn School on 31 August 2011 would require the redeployment or redundancy of the school staff. The Local Authority would support staff through this process and implement the Council's alternative work policy and procedures.
- 12 A decision to keep Dilwyn School open would mean that, given the low pupil numbers the school cannot be considered to be independently educationally and financially sustainable in the near future so there is a risk to pupils' education. The Local Authority would be required to provide additional support to the school to attempt to ensure appropriate pupil education and progression. The school would work with other schools to enhance pupil experience and where possible share and maximise resources.
- 13 If there were to be an appeal to the School Adjudicator through the closure process the School Adjudicator could chose to direct that the school remain open. However, the common view of the Local Authority, the Diocese of Hereford and the Archdiocese of Cardiff indicates that there are strong reasons why the recommendation to close should be pursued.

Consultees

- 14 None in relation to this report

Appendices

None

Background Papers

- 15 Children's Services Scrutiny Committee report 10 December 2010 "Call-in of cabinet's decision that Dilwyn Church of England Primary School be discontinued on 31 august 2011"