

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Children and Young People Select Committee
<b>Date:</b>	10 July 2017
<b>Title:</b>	Amalgamation of Fort Hill Community School and Cranbourne Business and Enterprise College, Basingstoke, including the Fort Hill Special Educational Needs resourced provision - Consideration of Request to Exercise Call-in Powers
<b>Report From:</b>	Director of Children's Services Director of Transformation and Governance

**Contact name:**

Barbara Beardwell – Head of Law and Governance and Monitoring Officer

Brian Pope – Assistant Director of Children's Services

**Tel:**

01962 845157

02392 441471

**Email:**

[Barbara.Beardwell@hants.gov.uk](mailto:Barbara.Beardwell@hants.gov.uk)

[Brian.Pope@hants.gov.uk](mailto:Brian.Pope@hants.gov.uk)

### 1. Purpose of Report

1.1. The purpose of the meeting to which this Report relates is for the Children and Young People Select (Overview and Scrutiny) Committee ('The C&YP Select Committee') to consider whether or not it should exercise its powers under Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act'), referred to in the County Council's Constitution as 'Call-in'.

### 2. Contextual information

2.1. During the 2017/18 admissions round it was apparent that a very low number of parents and guardians had expressed a preference for their child to commence their education at Fort Hill Community School in September 2017. An analysis of the numbers of children living within the catchment was undertaken, and of the 220 Year 6 children living with the catchment area, the parents and guardians of 35 children had expressed a preference for their child to attend Fort Hill School. This low number added to trend data showing that the popularity of the school with parents and guardians had been declining in recent years.

2.2. The low number of children applying for Fort Hill School resulted in the County Council analysing the School's forward budget in more detail. This

analysis showed that without large reductions in staffing, the school would be in a multi-million pound deficit within three years. This reduction in staffing would lead to an unsustainable reduction in the curriculum offer to children and, in the view of the school improvement team, an inadequate education being provided. The County Council's Corporate Strategy, particularly Priority Two, 'Maximising Well-Being', and the 'Shaping Hampshire' strategic plan, with the key theme of 'health and wellbeing', provide a framework for decisions that enable all children to achieve their potential. Not to act would have been in contradiction of these Corporate Strategies.

- 2.3. After due consideration of the challenges set out above, County Council officers came to a view that the only viable option was to amalgamate the school with Cranbourne Business and Enterprise College. After discussions with the Headteacher and Chair of Governors, a meeting was held with the governing body where County Council officers outlined the issues and the proposed viable option to amalgamate. At the Governing Body meeting, officers left the meeting after giving their input, so that Governors could discuss their response to the proposal. No time limit for the discussion was imposed by the County Council. The Governing Body resolved to support the proposal put forward by the Local Authority to commence a consultation on the amalgamation of the two schools, and a letter was received by the County Council to that effect.
- 2.4. A consultation process was undertaken in line with the County Council's procedures, and whilst there was opposition in the community to the proposal, no viable alternative could be identified by officers. The decision to consult on the proposal to amalgamate Fort Hill and Cranbourne Business and Enterprise College was taken in line with County Council requirements as set-out in the report of May 2007 by the Director of Children's Services (Education and Inspections Act 2006 - Implications for School Organisation Decisions). The following non-statutory and statutory consultation processes and related decision making by the Executive Member for Education followed the statutory guidance as set-out in the Department for Education 'Opening and closing maintained schools', 'Guidance for decision-makers' and 'Making prescribed alterations to Maintained Schools' as published in April 2016.
- 2.5. Part of the unpopularity of Fort Hill School is the current educational performance of the school, as set out in the Decision report at Appendix 1. The national data measures changed in 2016 therefore performance can not be directly compared between these two years. The Department for Education sets a minimum performance standard for all secondary schools and any schools which fall below this standard are deemed to be underperforming and may be subject to intervention. Fort Hill School underperformed in 2015 and 2016 to the extent that it fell below the minimum floor standard in both years. This underperformance is therefore correctly described as poor in the report.
- 2.6. A report was considered by the Executive Member for Education on 20 March 2017, along with all consultation responses, and the decision was taken to proceed to publish Notices. This decision was implemented, and the

outcomes of the formal consultation were included in a report to the Executive Member for Education at his decision day on 19 June 2017.

- 2.7. On 19 June 2017 the Executive Member for Education considered a report on the recommendations for the Amalgamation of Fort Hill Community School and Cranbourne Business and Enterprise College, Basingstoke, including the Fort Hill Special Educational Needs resourced provision. This included all of the consultation responses as per paragraph 2.6, which were read by the Executive Member and taken into account. A copy of the report to the Executive Member is attached as Appendix 1, and the decision record dated 19 June 2017 is at Appendix 2.
- 2.8. Following the decision of the Executive Member for Education on 19 June 2017 a request was made by a quorum of Members of the C&YP Select Committee ('Call-in request') for a meeting of the C&YP Select Committee to be held in order for the Committee to consider whether or not it should exercise its Call-in powers. The reasons given for the Call-in request are attached at Appendix 3 to this Report.

### **3. Legal and Constitutional Position**

- 3.1. Legal provisions in respect of Call-in are set out at Section 9F of Part 1A of the 2000 Act and reflected at Part 3, Chapter 3, Paragraph 1.17 of the County Council's Constitution. A copy of Part 3, Chapter 3, Paragraph 1.17 of the Constitution is attached at Appendix 4 for ease of reference. It should be noted however that discussion of the Executive decision subject of the Call-in request is not limited to the points raised in the request.
- 3.2. When a Select (Scrutiny) Committee meets in order to consider whether or not it should exercise its Call-in powers in respect of an Executive Decision, a Select Committee is required to consider whether or not to recommend:
  - a) that the decision be reconsidered by the relevant decision maker; or
  - b) that its function in respect of review or scrutiny of the decision should be exercised by the County Council.
- 3.3. It should however be noted that the recommendation as referred to at b) is not available where the Executive decision in question is in line with the Budget or Policy Framework. Neither does the exercise of Call-in powers prevent implementation of a decision within the Budget and Policy Framework. It is considered that the decision in question is not contrary to the County Council's Budget and Policy Framework and therefore, should the C&YP Select Committee determine it appropriate to exercise its Call-in powers, the recommendation open to the Committee is as set out at 3.2 a).

### **4. Scrutiny**

- 4.1. The role of a Scrutiny Committee includes both developing and reviewing policy and holding the Executive to account. A Scrutiny Committee may not however discharge any functions other than those conferred on it, and whilst it is perfectly proper for a Scrutiny Committee to offer advice and

recommendations to an Executive decision maker, in law responsibility for an Executive decision is that of the Executive.

## **5. Recommendation**

- 5.1. That Members of the C&YP Select Committee determine whether or not they consider that the Executive Member for Education should re-consider his decisions as set out in the Decision Record attached at Appendix 2

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	No
<b>Maximising well-being:</b>	Yes
<b>Enhancing our quality of place:</b>	No

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Amalgamation of Fort Hill Community School and Cranbourne Business and Enterprise College, Basingstoke including the Fort Hill Special Educational Needs resourced provision	20 March 2017
Amalgamation of Fort Hill Community School and Cranbourne Business and Enterprise College, Basingstoke including the Fort Hill Special Educational Needs resourced provision	19 June 2017
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
Local Government Act 2000 <a href="http://www.legislation.gov.uk/ukpga/2000/22/section/2">http://www.legislation.gov.uk/ukpga/2000/22/section/2</a>	2000
Education and Inspections Act 2006 <a href="http://www.legislation.gov.uk/ukpga/2006/40/contents">http://www.legislation.gov.uk/ukpga/2006/40/contents</a>	2006
School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 <a href="http://www.legislation.gov.uk/uksi/2013/3110/made">http://www.legislation.gov.uk/uksi/2013/3110/made</a>	2013
Department for Education Guidance 'Opening and closing maintained schools' <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514556/16-04-06_FINAL_SO_Guidance_ED_Regs.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514556/16-04-06_FINAL_SO_Guidance_ED_Regs.pdf</a>	April 2016
Department for Education Guidance 'Guidance for decision makers' <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf</a>	April 2016

Department of Education Guidance Making prescribed alterations to Maintained Schools <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf</a>	April 2016
---	------------

### Section 100 D - Local Government Act 1972 - background documents

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

Amalgamation of Fort Hill Community School and Cranbourne Business and Enterprise College, Basingstoke including the Fort Hill Special Educational Needs resourced provision (March 2017)

<http://democracy.hants.gov.uk/ieListDocuments.aspx?CId=167&MId=655&Ver=4>

Amalgamation of Fort Hill Community School and Cranbourne Business and Enterprise College, Basingstoke including the Fort Hill Special Educational Needs resourced provision (June 2017)

<http://democracy.hants.gov.uk/ieListDocuments.aspx?CId=167&MId=685&Ver=4>

## **IMPACT ASSESSMENTS:**

### **Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **Equalities Impact Assessment:**

Equality Impact Assessment referenced in section 7 of the decision report

### **Impact on Crime and Disorder:**

No impact was identified in the decision report

### **Climate Change:**

- How does what is being proposed impact on our carbon footprint / energy consumption?
- How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?
  - No specific measures were identified in the decision report