

**THE EXECUTIVE**  
**MEETING, 16<sup>TH</sup> DECEMBER, 2008**

Councillor Morris	Leader of the Council – Strategy and External Relationships
Councillor J. Byrne	Development
Councillor Sherrington	Cleaner, Greener, Safer
Councillor Mrs Thomas	Corporate Resources
Councillor Kay	Human Resources and Diversity
Councillor Adia	Development
Councillor Ibrahim	Culture, Young People and Sport
Councillor Zaman	Housing and Regeneration

Non-Voting Members

Councillor Hornby	
Councillor Spencer	
Councillor R. Allen	
Councillor Shaw	
Councillor J. Walsh	
Councillor Hall	Deputy for Councillor Mrs Brierley
Councillor Hayes	
Councillor Mrs Ronson	
Councillor D. A Wilkinson	

Officers

Mr. S. Harriss	Chief Executive
Mr. S. Arnfield	Director of Corporate Resources
Mr. A. Eastwood	Director of Legal and Democratic Services
Ms. M. Asquith	Director of Children's Services

Mrs. H. Gorman	Senior Lawyer
Mr. G. Kelly	Children's Services
Mr. A. Jennings	Democratic Services Manager

Councillor Morris in the Chair

Apologies for absence were submitted by Councillors Mrs. Brierley, Morgan, Murray and Peel.

## **56. MINUTES**

The minutes of the proceedings of the meeting of the Executive held on 8<sup>th</sup> December, 2008 were submitted and signed as a correct record.

## **57. PROPOSED CLOSURE OF HAYWARD COMMUNITY SECONDARY SCHOOL**

The Director of Children's Services submitted a report that advised the Executive of representations received in respect of the recently published Statutory Notice to discontinue Hayward Community Secondary school from the 31<sup>st</sup> December, 2008 to enable a new Academy school to be established at the site from the 1<sup>st</sup> January, 2009, and to request the Executive to determine the proposal to close the existing school in order to allow the establishment of the Academy.

The proposed Academy would be sponsored by the Essa Foundation with Bolton Council as co-sponsors and would have places for 900 pupils aged 11 – 16 years. All existing pupils currently attending Hayward and requiring a place at the proposed Academy would be accommodated. However, before this could happen, the existing LA maintained Community Secondary school on the site had to be formally discontinued in accordance with prescribed school regulations.

Initially the new Academy would open in the existing buildings at Hayward, but new facilities would subsequently be developed at the site and would be available for use by

2011/12.

The Leader explained that the matter had originally been considered by Councillor Adia, the Executive Member for Children's Services, on the 21<sup>st</sup> October 2008. On that date he was asked to consider whether statutory notices to seek representations with regards to the closure of the school should be published.

He was satisfied that the consultation that had taken place prior to the 12<sup>th</sup> October, 2008 in respect of the school was sufficient to comply with statutory guidance and so he agreed that a statutory notice to seek representations should be published.

Statutory notices in respect of the school were published on the 25<sup>th</sup> October 2008.

The report informed members that decisions on school organisation proposals, including closing a school, were taken by the Local Authority ,or in some cases by the schools adjudicator. There were 4 key issues which the local authority must consider before judging the respective factors and merits of the statutory proposal in line with the DCSF publication "Closing a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies" dated February 2008. These were summarised in the report under the following headings :-

- was any information missing ;  
the Executive was satisfied that all of the relevant information was made available during the consultation process.
- did the published notice comply with the statutory requirements;  
the Executive was satisfied that all the notices published in respect of the school did comply with statutory requirements.

- had the statutory consultation been carried out prior to the publication of the notice;  
the Executive was satisfied that the statutory consultation carried out prior to the publication of the notice was adequate and referred to the Executive Member Children's Services decision of the 21<sup>st</sup> October 2008;and
- was the proposal related to other published proposals. There was a reference to the establishment of a new academy, together with a confirmation that all existing pupils would be offered places at the academy in the notices. The Executive accepted that the reference was included to provide clarity.

In addition to the above guidance, the local authority was also required to have regard to the following factors when considering proposals for a school closure :-

- the effect of the closure on school improvement;
- standards –

The Government wished to encourage changes to local school provision which boosted standards and opportunities for young people. The local authority needed to be satisfied that proposals to close an existing school would contribute to raising standards of provision, and would lead to improved attainment for children and young people. In doing so, they had to pay particular attention to the effects on groups that tended to under-perform, including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing the gaps.

It was explained that the Government had introduced a floor target at a National Challenge level for GCSE with English and mathematics of 30%. In GCSE examinations in 2007 at Hayward school, 28% of pupils achieved 5 or more GCSEs at grade C or above, including English and mathematics. This was up from 25% in 2006, but was still below the average for Bolton schools of 40.1% and was significantly below the national average. Provisional results for 2008 indicated that the school remained below this floor level target at 27.3%. The percentage of young people in the surrounding area who went onto further education was below the Bolton average. It was therefore proposed that there was a need to accelerate achievement for pupils at this school and achieve a step change in performance, particularly in English and mathematics. The proposal for an Academy would build on this raised expectation.

Furthermore, it was considered that the proposal to close Hayward School, in order to establish a new Academy at the site would help address the range of challenges offered by the diverse group of pupils in the community and raise standards.

- the Academies programme and the current proposals for the Bolton Academies ;
- Diversity;
- Provisions for displaced pupils;
- Impact on the community, community cohesion and race equality;
- Travel and accessibility for all;
- Equal opportunities issues; and

- 14-19 provision.

The report detailed the views of interested parties which included a petition organised by the Bolton Alliance Against Academies which had been signed by 573 signatories opposing the proposed closure of Hayward, Withins and Top o'th' Brow schools and re-opening them as Academies. In addition to the above a further petition entitled Petition Against The Closure Of Hayward School had been received, signed by 1,309 signatories.

The report also provided a summary of all other responses which had been received following the publication of the Statutory Notice to close Hayward Community Secondary school, together with the Local Authority's response.

The proposal was supported by the Governing Body of the school and ,although the concerns raised by respondents had previously been addressed and there remained, for some a clear philosophical opposition in principle to Academies, the report concluded that there were no fundamental issues raised which indicated that the closure proposal should not go ahead.

The Leader of the Council indicated that he was content that the process relating to the proposed closure of Hayward School had been conducted in a manner which had complied with the relevant legislative requirements.

The representations received in response to the statutory notice had been considered in line with the four key issues referred to above. The Leader indicated that he was satisfied that the period of representation had been constructive and that concerns raised in respect of the proposed closures had been positively addressed in the reports before the Executive.

The Leader expressed his confidence that the closure of Hayward school and the opening of the proposed academies

will result in greater choice and diversity in education, improved standards and opportunities and heightened aspirations for parents and their children within the Borough.

**Resolved – That the closure of Hayward Community Secondary school with effect from 31<sup>st</sup> December, 2008 be approved, subject to the Secretary of State confirming by the date of the proposed closure, that an agreement has been made under Section 481(2) of the Education and Inspections Act 2006 for the establishment of an Academy to replace the existing Hayward Community Secondary school.**

#### **59. PROPOSED CLOSURE OF WITHINS COMMUNITY SECONDARY SCHOOL**

The Director of Children's Services submitted a report that advised the Executive of any representations received in respect of the recently published Statutory Notice to discontinue Withins Community Secondary school from 31<sup>st</sup> August, 2009 to enable a new Academy school to be established at the site from 1<sup>st</sup> September, 2009, and to request the Executive to determine the proposal to close the existing school in order to allow the establishment of the Academy.

The proposed Academy would be sponsored by David and Anne Crossland (founders of the travel company Airtours) and the Church of England Diocese of Manchester ; the working title of the proposed Academy was the Brightmet CE Academy.

The sponsors wished to establish an Academy that was at the heart of the local area regeneration and one that did not select by ability, aptitude, faith, race or gender. The proposed Academy would establish itself as a centre for leadership in learning and would build a high profile local and national commitment to promoting community cohesion and development.

The proposed new Academy would provide:

- 210 places for primary pupils aged 4 – 11. The proposed admission number for the 5 - 11 component of the Academy would be 30 pupils;
- 750 places for secondary pupils aged 11 – 16. The proposed admission number for the 11 – 16 component of the Academy would be 150 pupils;
- 200 places for pupils aged 16 – 19; and
- 26 full time equivalent places for pre-schoolchildren aged 3 – 4 would be provided on the site of the new Academy.

However, before this could happen, the existing local authority maintained Community Secondary school on the site had to be formally discontinued in accordance with prescribed school regulations.

Initially the new Academy would open in the existing buildings at Withins and Top o'th' Brow, but new facilities would subsequently be developed at the existing Withins site which would be available for use by 2011/12. There was a commitment from the proposed sponsors of this Academy to work in a collaborative way with the Local Authority and other schools in the Borough.

The proposed new Academy building would also provide the opportunity to co-locate the existing Firwood Special School from its current site on Crompton Way. However, whilst Firwood would relocate to the proposed new Academy building, and would be able to access a range of new facilities, it would remain under the control of the Local Authority, as an LA Maintained Special school and it would not be part of the management or structure of the proposed Academy.



The Leader explained that the matter had originally been considered by Councillor Adia, the Executive Member for Children's Services, on the 21<sup>st</sup> October 2008. On that date he was asked to consider whether statutory notices to seek representations with regards to the closure of the school should be published.

He was satisfied that the consultation that had taken place prior to the 12<sup>th</sup> October, 2008 in respect of the school was sufficient to comply with statutory guidance and so he agreed that a statutory notice to seek representations should be published.

Statutory notices in respect of the school were published on the 25<sup>th</sup> October 2008.

The report informed members that decisions on school organisation proposals, including closing a school, were taken by the Local Authority ,or in some cases by the schools adjudicator. There were 4 key issues which the local authority needed to consider before judging the respective factors and merits of the statutory proposal in line with the DCSF publication "Closing a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies" dated February 2008. These were summarised in the report under the following headings :-

- was any information missing ;  
the Executive was satisfied that all of the relevant information was made available during the consultation process.
- did the published notice comply with the statutory requirements;  
the Executive was satisfied that all the notices published in respect of the school did comply with statutory requirements.

- had the statutory consultation been carried out prior to the publication of the notice;  
the Executive was satisfied that the statutory consultation carried out prior to the publication of the notice was adequate and referred to the Executive Member Children's Services decision of the 21<sup>st</sup> October 2008;and
- was the proposal related to other published proposals. There was a reference to the establishment of a new academy, together with a confirmation that all existing pupils would be offered places at the academy in the notices. The Executive accepted that the reference was included to provide clarity.

In addition to the above guidance, decision makers were also required to have regard to the following factors when considering proposals for a school closure :-

- the effect of the closure on school improvement;
- standards ;

Withins Community Secondary school served a community with high levels of socio-economic disadvantage. A high proportion of students were eligible for free school meals. The percentage of students from minority ethnic backgrounds had increased, but remained below the national average. The percentage of students who spoke English as an additional language was also lower than the national average.

The proposal to close Withins Community Secondary school, in order to establish a new Academy at the site would therefore help to address the above and raise standards by offering pupils educational opportunities and especially post

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16 which would be designed to offer Level 1/2 and progression thereafter, beginning to tackle the historically poor post 16 participation rates for children in this area.

- the Academies programme and the current proposals for the Bolton Academies;
- Diversity;
- Provisions for displaced pupils;
- Impact on the community, community cohesion and race equality;
- Travel and accessibility for all;
- Equal opportunities issues; and
- 14-19 provision.

The report considered the views of interested parties and members noted that the Head teacher of Firwood Special school had expressed his full support for the proposed closure to enable the new Academy to be progressed.

With respect to objections a letter had been received from the NASUWT expressing their opposition to the proposed closure and the establishment of an Academy and a petition organised by the Bolton Alliance Against Academies had been received signed by 573 signatories opposing the proposed closure of Hayward, Within's and Top o'th' Brow schools and re-opening them as Academies.

In addition to the above the report provided a summary of all other responses which had been received following the publication of the Statutory Notice to close Within's Community Secondary school, together with the Local Authority's

response.

The proposal for a new school at Withins had been considered and supported by the Governing Body of the school for a number of years. This support had been reiterated by the Governing Body for an Academy.

Although the concerns raised by respondents had previously been addressed and there remained, for some a clear philosophical opposition in principle to Academies, the report concluded that there were no fundamental issues raised which indicated that the closure proposal should not go ahead.

The Leader of the Council indicated that he was content that the process relating to the proposed closure of Withins School had been conducted in a manner which had complied with the relevant legislative requirements.

The representations received in response to the statutory notice had been considered in line with the four key issues referred to above. The Leader indicated that he was satisfied that the period of representation had been constructive and that concerns raised in respect of the proposed closures had been positively addressed in the reports before the Executive.

The Leader expressed his confidence that the closure of Withins school and the opening of the proposed academies would result in greater choice and diversity in education, improved standards and opportunities and heightened aspirations for parents and their children within the Borough.

**Resolved – That the closure of Withins Community Secondary school with effect from 31<sup>st</sup> August, 2009 be approved, subject to the Secretary of State confirming by the date of the proposed closure, an agreement has been made under Section 481(2) of the Education and Inspections Act 2006 for the establishment of an Academy to replace the existing Withins Community Secondary school.**

## **58. PROPOSED CLOSURE OF TOP O'TH BROW COMMUNITY PRIMARY SCHOOL**

The Director of Children's Services submitted a report that advised the Executive of representations received in respect of the recently published Statutory Notice to discontinue Top o'th' Brow Community Primary school from the 31<sup>st</sup> August 2009 to enable a new Academy school to be established at the site from the 1<sup>st</sup> September, 2009, and to request the Executive to determine the proposal to close the existing school in order to allow the establishment of the Academy.

The proposed Academy would be sponsored by David and Anne Crossland (founders of the travel company Airtours) and the Church of England Diocese of Manchester; the working title of the proposed Academy was the Brightmet CE Academy.

The proposed new Academy would provide:

- 210 places for primary pupils aged 4 – 11. The proposed admission number for the 5 - 11 component of the Academy would be 30 pupils;
- 750 places for secondary pupils aged 11 – 16. The proposed admission number for the 11 – 16 component of the Academy would be 150 pupils;
- 200 places for pupils aged 16 – 19; and
- 26 full time equivalent places for pre-schoolchildren aged 3 – 4 would be provided on the site of the new Academy.

However, before this could happen, the existing LA maintained Community Secondary school at Withins and the existing Top o'th' Brow Community Primary school had to be formally discontinued in accordance with prescribed school regulations.

Initially the new Academy would open in the existing buildings at Withins and Top o'th' Brow, but new facilities would subsequently be developed at the existing Withins site which would be available for use by 2011/12.

The proposed new Academy building would also provide the opportunity to co-locate the existing Firwood Special School from its current site on Crompton Way. However, whilst Firwood would relocate to the proposed new Academy building, and be able to access a range of new facilities, it would remain under the control of the Local Authority, as an LA Maintained Special school and would not be part of the management or structure of the proposed Academy.

The Leader explained that the matter had originally been considered by Councillor Adia, the Executive Member for Children's Services, on the 21<sup>st</sup> October 2008. On that date he was asked to consider whether statutory notices to seek representations with regards to the closure of the school should be published.

He was satisfied that the consultation that had taken place prior to the 12<sup>th</sup> October, 2008 in respect of the school was sufficient to comply with statutory guidance and so he agreed that a statutory notice to seek representations should be published.

Statutory notices in respect of the school were published on the 25<sup>th</sup> October 2008.

The report informed members that decisions on school organisation proposals, including closing a school, were taken by the Local Authority, or in some cases by the schools adjudicator. There were 4 key issues which the local authority must consider before judging the respective factors and merits of the statutory proposal in line with the DCSF publication "Closing a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies" dated February 2008. These were summarised in the report under the following

headings :-

- was any information missing ;  
the Executive was satisfied that all of the relevant information was made available during the consultation process.
- did the published notice comply with the statutory requirements;  
the Executive was satisfied that all the notices published in respect of the school did comply with statutory requirements.
- had the statutory consultation been carried out prior to the publication of the notice;  
the Executive was satisfied that the statutory consultation carried out prior to the publication of the notice was adequate and referred to the Executive Member Children's Services decision of the 21<sup>st</sup> October 2008;and
- was the proposal related to other published proposals.  
There was a reference to the establishment of a new academy, together with a confirmation that all existing pupils would be offered places at the academy in the notices. The Executive accepted that the reference was included to provide clarity.

In addition to the above guidance, the local authority was also required to have regard to the following factors when considering proposals for a school closure :-

- the effect of the closure on school improvement
- standards ;

The Government wished to encourage changes to local school provision which boosted standards and opportunities for young people. The local authority

needed to be satisfied that proposals to close an existing school would contribute to raising standards of provision, and would lead to improved attainment for children and young people. In doing so, they had to pay particular attention to the effects on groups that tended to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing the gaps.

Members were reminded that when Top o'th' Brow Community Primary School was inspected in September, 2007 it was judged to be a good school providing effective education for its pupils. However, in Key Stage 2 National Curriculum tests in 2007, 64% of pupils achieved the nationally expected level (Level 2) or above in English. This was unchanged from 2006 and was below the Bolton average of 81%. In 2007, 64% of pupils achieved the nationally expected level (Level 2) or above in mathematics, up from 57% in 2006, but below the Bolton average of 77%.

- the Academies programme and the current proposals for the Bolton Academies;
- Diversity;
- Provisions for displaced pupils;
- Impact on the community, community cohesion and race equality;
- Travel and accessibility for all;
- Equal opportunities issues; and
- 14-19 provision.



It was considered that the proposal to close Top o'th' Brow Community Primary School, in order to establish a new Academy at the site would therefore help to address the above and raise standards.

A petition organised by the Bolton Alliance Against Academies had been received signed by 573 signatories opposing the proposed closure of Hayward, Withins and Top o'th' Brow schools and re-opening them as Academies.

In addition to the above the report provided a summary of all other responses which had been received following the publication of the Statutory Notice to close Top o'th' Brow Community Primary school, together with the Local Authority's response. The Director tabled the comments of the Governing Body of St Mary's C of E Primary School Deane which had been previously covered by the contents of the report.

The sponsors of this proposed Academy had given undertakings to the Local Authority to promote the continuation of working within the collaborative cluster arrangements for schools in Bolton and within the wider Bolton family.

The Governing Body of the school had confirmed its support for an Academy and ,although the concerns raised by respondents had previously been addressed and there remained, for some a clear philosophical opposition in principle to Academies, the report concluded that there were no fundamental issues raised which indicated that the closure proposal should not go ahead.

The Leader of the Council indicated that he was content that the process relating to the proposed closure of Top'oth' Brow School had been conducted in a manner which had complied with the relevant legislative requirements.

The representations received in response to the statutory notice had been considered in line with the four key issues referred to above. The Leader indicated that he was satisfied that the period of representation had been constructive and that concerns raised in respect of the proposed closures had

been positively addressed in the reports before the Executive.

The Leader expressed his confidence that the closure of Top'oth' Brow school and the opening of the proposed academies will result in greater choice and diversity in education, improved standards and opportunities and heightened aspirations for parents and their children within the Borough.

**Resolved – That the closure of Top o'th Brow Community Primary School with effect from 31<sup>st</sup> August, 2009 be approved, subject to the proposed closure of Withins Community Secondary school being approved, and also subject to the Secretary of State confirming by the date of the proposed closures of these two schools, that an agreement has been made under Section 481(2) of the Education and Inspections Act 2006 for the establishment of an Academy to replace the existing Withins Community Secondary school and Top o'th' Brow Community Primary school.**