

CHILDREN AND YOUNG PEOPLE'S SERVICES SCRUTINY PANEL

Venue: Town Hall, Moorgate
Street, Rotherham

Date: Wednesday, 15 April 2009

Time: 1.00 p.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency
3. Apologies for Absence
4. Declarations of Interest
5. Questions from the press and public
6. Information note about the Call In Procedure (copy attached) (Pages 1 - 3)
7. Proposal to Close the Maltby Community School and Replace it by Opening a New Academy on the School Site (report attached) (Pages 4 - 33)

To consider the call in of Minute No. 145 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on Wednesday, 25th March, 2009, which reads:-

Further to Minute No. 111 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on 7th January, 2009, consideration was given to a report presented by the Director of Resources and Access stating that the statutory notice period on the proposal to close the Maltby Community School, and to re-open the school as the Maltby Academy (with effect from 1st September 2009) had concluded on Friday 20th March, 2009. The submitted report considered the determination to be made by the Cabinet Member for Children and Young People's Services, following advice

from the Department for Children, Schools and Families.

Included within the report were the objections to the proposal to develop an Academy at Maltby. Discussion took place on the detail of the comments, objections and expressions of support received by the Council in respect of the proposed Academy.

The Cabinet Member and Advisers for Children and Young People's Services placed on record their thanks to staff for the work and wide consultation undertaken in respect of the Building Schools for the Future and Academy proposals.

Resolved:- (1) That the report be received and its contents noted.

(2) That the following proposals be approved, with the modified dates of implementation shown:-

(a) in accordance with Section 15(1) of the Education and Inspections Act 2006, to discontinue Maltby Community School – Specialising in Business and Enterprise on 3rd January, 2010 (modified from 31st August, 2009); and

(b) to establish an 11-18 Academy on 4th January, 2010 (modified from 1st September, 2009) in the existing school buildings; in September, 2009, the admission number will remain at 290 with a new admission number of 200 from September, 2010; there will be a 200 place sixth form; the new Academy building would open in September 2013, following its construction within the Building Schools for the Future Project.

8. Proposal to Amalgamate Maltby Hall Infant School and Lilly Hall, Maltby, Junior School (report attached) (Pages 34 - 36)

To consider the call in of Minute No. 146 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on Wednesday, 25th March, 2009, which reads:-

Further to Minute No. 111 of the meeting of the Cabinet Member and Advisers for Children and Young People's Services held on 7th January, 2009, consideration was given to a report presented by the Director of Resources and Access stating that the statutory notice period on the proposal to amalgamate the Maltby Hall Infant and the Lilly Hall (Maltby) Junior School had concluded on 20th March, 2009. The submitted report considered the determination to be made by the Cabinet Member for Children and Young People's Services, following advice from the Department for Children, Schools and Families.

Resolved:- (1) That the report be received and its contents noted.

(2) That the following proposals be approved:-

(a) in accordance with Section 15(1) of the Education and Inspection Act 2006, to discontinue Lilly Hall (Maltby) Junior School on 31st August, 2013; and

(b) in accordance with Section 19(1) of the Education and Inspection Act, to make prescribed alterations to Maltby Hall Infant School from 1st September, 2013; this alteration is the expansion and the change of age range from its existing 3-7 years to 3-11 years; the admission number would be 60.

**Date of Next Meeting:-
Friday, 5 June 2009**

Membership:-

Chairman – Councillor The Mayor (Councillor G. A. Russell)

Vice-Chairman – Councillor Burton

Councillors:- Ali, Currie, Dodson, Donaldson, Fenoughty, Hughes, Kaye, License, Sharp and Sims

Co-optees:-

J. Blanch-Nicholson, Ms. T. Guest,

M. Hall (Statutory Co-optee), Father A. Hayne,

C. Purvis and P. Wade.

Call-In Process – Further Guidance

The following section offers guidance on the call-in process. If additional information or advice is required, Members should contact Cath Saltis, Head of Scrutiny Services and Member Support, Chief Executive's Department, telephone number 01709 822779 or via email at cath.saltis@rotherham.gov.uk.

What sort of decisions may be called-in?

Any decision of the Executive may be called-in, unless it is:-

- in the form of a recommendation to full Council;
- an urgent decision (as defined by rule 14(2)) of the Overview and Scrutiny Procedures Rules;
- a decision of the Adoption Panel;
- concerned with procedural matters; or
- in connection with an appeal.

What happens when a decision is called-in?

The Chair of the Performance and Scrutiny Overview Committee records the decision to which the call-in relates, the lead signatory and the names of the other five Members, or in the case of an education decision, the names of the Members or education representatives, or both.

The Head of Scrutiny Services then requests that arrangements be made for the decision to be called in. The Head of Scrutiny Services will contact the Lead Signatory and notify the decision maker and the appropriate Executive Director, of the call-in request and advise that the implementation of the decision be delayed until the conclusion of the call-in process.

When will a meeting be arranged for the decision to be called-in?

Where appropriate and after consulting where practicable, in most cases, the Head of Scrutiny Services, in consultation with the Chair of the Performance and Scrutiny Overview Committee, will add the call-in request to the agenda for the next following meeting of the Committee, or in the case of an education decision, the next following meeting of the Children and Young People's Services Scrutiny Panel.

What will happen at this meeting and how will the call-in be dealt with?

The Members requesting the call-in will be invited to give their reasons. The relevant Cabinet Member(s) will attend, in order to explain why the decision was made.

Having considered the call-in request and the explanation of the decision, PSOC (or Children and Young People's Services Scrutiny Panel) can refer it back to the decision-maker for reconsideration, setting out in writing the nature of its concerns. If the decision is not referred back to the decision maker or the

request for call-in not supported, the original decision can be then implemented.

In exceptional circumstances, PSOC can refer the decision for consideration by the full Council. If the Council supports the requests for call-in, they can refer the matter back to the decision maker to re-consider, stating their concerns. If the call-in is not supported, the decision can be implemented.

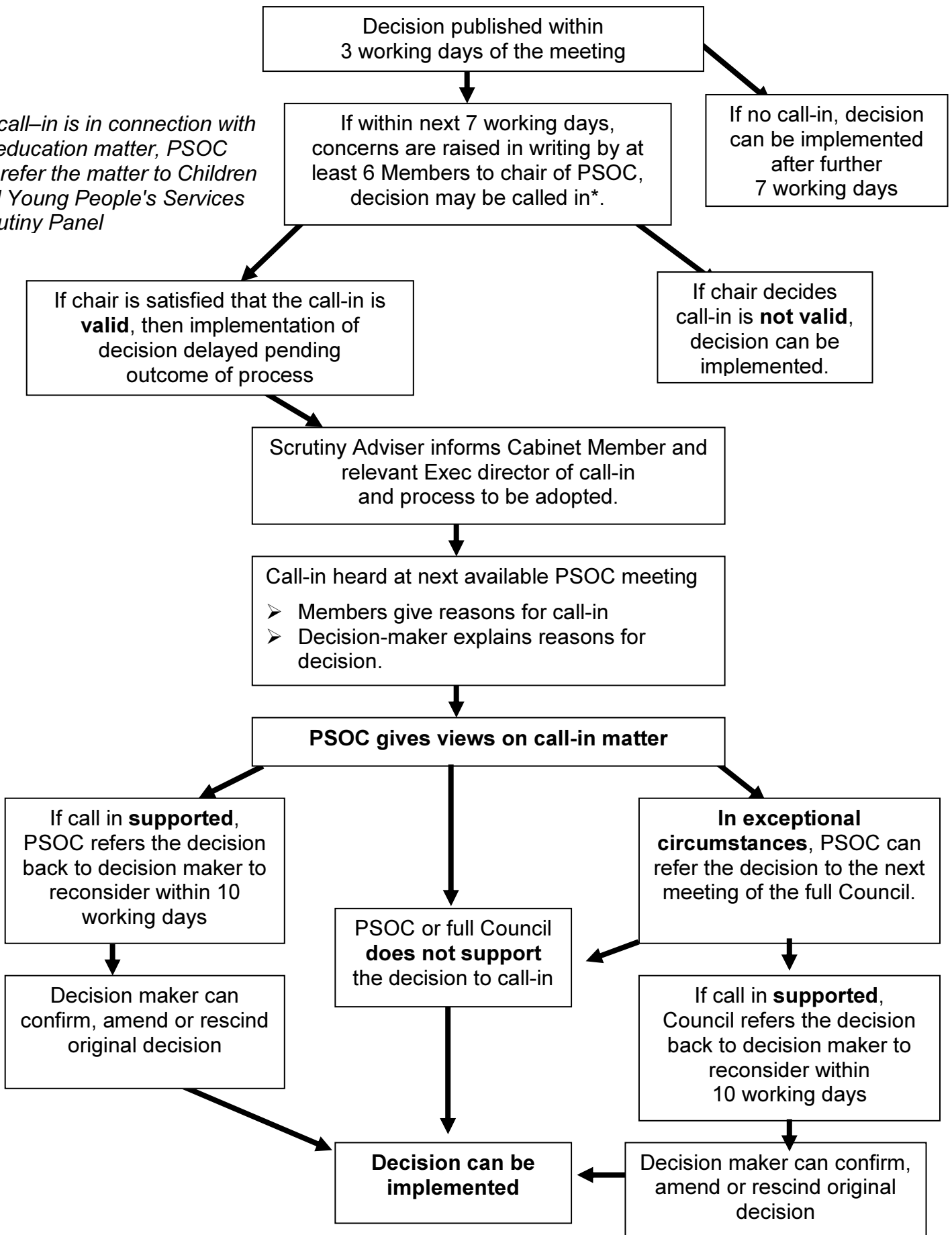
If the decision is referred back by either full Council or PSOC (or Children and Young People's Services Scrutiny Panel), the decision maker (or makers) must reconsider the decision within 10 working days. At this point they can:

- confirm their original decision;
- amend the decision; or
- rescind (and if appropriate) take a new decision.

Is there a simple guide which explains the process?

Yes. Attached is a chart which summarises the Councils call-in procedure, its various stages, and what can happen at each of these stages. Part V of the Council's Overview and Scrutiny Procedure Rules outlines the rules regarding the calling-in of executive decisions and copies of this are available from Scrutiny Services.

** If call-in is in connection with an education matter, PSOC will refer the matter to Children and Young People's Services Scrutiny Panel*



ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member Children and Young People's Services
2.	Date:	25th March 2009
3.	Title:	Proposal to close Maltby Community school and replace it by opening a new Academy on the school site
4.	Directorate:	Children and Young People's Services

5. Summary:

The statutory notice period on the proposal to close Maltby Community School, and reopen as Maltby Academy from 1st September 2009 concludes on 20th March 2009. This report considers the determination to be made by the Cabinet Member for Children and Young People's Services.

6. Recommendations:

It is recommended that the following proposals are approved with the modified dates of implementation:

- **in accordance with section 15(1) of the Education and Inspections Act 2006, to discontinue Maltby Community School – Specialising in Business and Enterprise on 3rd January 2010 (modified from 31st August 2009)**
- **to establish an 11-18 Academy on 4th January 2010 (modified from 1st September 2009) in existing buildings. In September 2009, the admission number would remain at 290 with a new admission number of 200 from September 2010. There will be a 200 place sixth form. The new Academy building would open in September 2013, following its construction within the Building Schools for the Future Project**

7. Proposals and Details:

A statutory notice was published on 16th January 2009 (Annex A) following agreement by the Cabinet Member to publish proposals to discontinue Maltby Community School and open an Academy within existing buildings from 1st September 2009. This followed the statutory consultation period with parents, staff, and governors during November and December of 2008.

At the time of writing there have been 3 objections to the proposals and 1 comment. These are attached (Annex B). The appendices referred to in the objection from ATL will be available at the meeting.

The Cabinet Member as the Decision Maker should follow advice as described by the DCSF. He can either approve, or approve with modifications, or approve the proposals subject to them meeting a specific condition or reject the proposals.

- (i) Does the published Notice comply with statutory requirements? – This was already agreed in the Cabinet Member meeting of 7th January 2009.
- (ii) Has the Statutory Consultation been carried out prior to the publication of the notice? – Consultation was held with all principal stakeholders, governors, parents and staff of Maltby Community School, Lilly Hall Junior and Maltby Hall Infant Schools and Hilltop Special School. A leaflet was distributed to the other primary schools in Maltby and a front page newspaper article in Rotherham News brought the proposals to the attention of the wider community. Additionally, since the publication of the notice, further meetings have been and are being held to discuss the proposals with governors (4th February 2009), staff (25th February 2009), Wentworth Valley Area Assembly (5th March 2009), parents (16th March 2009 at Maltby Manor and 18th March 2009 at Maltby Crags), Maltby Forum (14th March 2009) and Maltby Town Council (18th March 2009). Finally a leaflet (Annex C) is being distributed to all homes in Maltby.

Meetings have also been held with Rotherham's Union representatives (9th February 2009, 9th March 2009 and the Education Consultative Committee 12th March 2009). Following a request from unions, it was agreed to extend the statutory notice period from 27th February 2009 to 20th March 2009.

- (iii) Are the proposals related to other published proposals? – The Council is also proposing to amalgamate Maltby Hall Infant and Lilly Hall Junior Schools. The proposal to open the Academy is not dependent on this proposal.

Standards

The Academy proposal is an important part of the Council's strategy to 'Transform Rotherham Learning' through Building Schools for the Future. A key aim of the strategy is to raise standards for all children and young people in Rotherham including the Maltby community. The proposal brings significant investment for new buildings, ICT and organisational change, all of which will raise standards.

Academy and Diversity

The Academy proposal brings together an innovative partnership between U-explore (Lead Sponsor), the Council (co-sponsor) and Sheffield Hallam University (professional partner). U-explore is a locally based company, which uses the latest technology to link national and local employers to education and careers work with students. The University will support continuous professional development with staff and facilitate both relevant and aspirational career pathways with students. Together with its partner primary schools and the co-located Hilltop Special School, the Academy will be part of the innovative Maltby Learning Community. This will support a diversity of provision for children and young people in Maltby and also provide a model of partnership and collaboration for Rotherham as a whole.

The Cabinet Member should note that the Secretary of State approved the Academy proposal on 9th March 2009. If the Cabinet Member approves the recommendations, then it will enter the feasibility stage which should result in a Funding Agreement between the sponsors and the Secretary of State. Because of the timescale needed for feasibility and implementation it is suggested that the Cabinet Member recommends a modification of the date for implementation of the proposal from 1st September 2009 to 4th January 2010. This includes the Secretary of State, the Academy Trust and the Council signing a Funding Agreement for the Academy.

The Academy proposal reflects the 10 principles which are at Annex D. Further, a letter confirming national conditions of service and other matters was sent to all staff at Annex E.

Every Child Matters

The proposal will contribute directly to all 5 outcomes of Every Child Matters as it is part of the proposals within Transforming Rotherham Learning through Building Schools for the Future. In working with the nearby locality team, the partner primary schools, the special school, and the Youth Service, the needs of the children and young people relating to learning and well being will be catered for and enhanced.

Need for Places

The proposal is sufficient for all children in the Maltby Community, whose parents wish to make a preference for the school.

As stated in the principles, the Academy will follow both national and Rotherham's policies on admissions. The school will be inclusive with no selection of pupils. There will be the removal of 438 places from 1638 to 1200 11-18 places, which reflects the demography of the local area.

Impact on the Community and Travel

All services available to the children and the wider community will continue in the new Academy and wider campus. They will be enhanced with new school facilities through the Building Schools for the Future programme. The good relationships with the nearby Youth Service will continue as well as with wider community groups. There are no implications for travel as the school remains on the same site.

14-19 Curriculum and Collaboration

The Council, Lead Sponsor and Sheffield Hallam University are committed to providing an exciting ICT enabled curriculum for Maltby as well as collaboration with other learning communities and the colleges. The Learning and Skills Council has given its support to the proposal.

Views of Interested Parties

Annex B contains all objections and comments. The objections from the Association of Teachers and Lecturers are:

- (i) An Academy is not essential for BSF funding:

The Office of the Schools Commissioner made it very clear to the Council that BSF funding was contingent upon the Council showing greater diversity through its inclusion of an Academy proposal. This was one of the considerations in Rotherham being successful as a Wave 6a authority within the Building Schools for the Future programme. That is, without the Academy proposal, it is very unlikely Rotherham would have been successful in attracting £80m of BSF funding to Rotherham (as part of a £200m package), within which Maltby would be the first to receive investment.

The Schools Minister has clarified that “the release of BSF funding is not conditional upon local authority agreement to establish academies.” However, if Rotherham did not have an academy proposal, then the Office of the Schools Commissioner has stated that there may be significant delay in the Authority’s BSF proposals if it is deemed that our diversity plans are insufficient without the Academy proposal. This is obviously a significant risk.

- (ii) There has been rushed, insufficient and undemocratic consultation.

The above section on consultation describes an extended and wide ranging process. It is felt that this objective is inaccurate.

- (iii) Sponsors must not profit from their work with schools.

The Lead Sponsor, the Council and School have all confirmed that this will not happen and the letter to all staff (Annex E) refers to this.

- (iv) Current Terms and Conditions and pensions will not be maintained after transfer.

This is untrue as both the Council and the Lead Sponsor has confirmed that the staff in the proposed Academy will continue to enjoy the same national and other local conditions of service, which appertain to other staff in Rotherham’s Schools. The letter at Annex E confirms this as do the principles at Annex D.

- (v) Assurances given and promises made now are irrelevant if they are not written into the Academy Trusts Articles of Association.

The Council as co sponsor will ensure that they are.

The comment on the published proposals is from the Maltby Environmental Group and the Council will work with the wider community to achieve a successful project. This will require on going consultation over the coming years.

Further objections up until 20th March 2009 will be presented in hard copy at the meeting of the 25th March 2009.

8. Finance:

The Academy will receive revenue funding directly from the DCSF but based on the formula it would have had from the Council. The Council has committed to be a co-sponsor, contributing £500,000 to the Academy Trust. The Lead sponsor will commit a further £1.5m to be added over 5 years. Additionally the Academy will receive significant revenue funding to manage the change process.

Funding for the new buildings will come as part of an initial £80m investment package from Building Schools for the Future. This is part of a total of £200m for Rotherham as a whole so that it can complete its Transforming Rotherham Learning Programme.

9. Risks and Uncertainties:

Uncertainties relating to both the Academy and the Building Schools for the Future programmes will be mitigated by Council actions. The Lead Sponsor has confirmed his agreement to the 10 principles and is very committed to the Academy and Transforming Rotherham Learning Programme. The Council as co-sponsor will ensure that the Academy continues to serve the community of Maltby and collaborate with the wider Rotherham community. It will also ensure the implementation of the 10 principles. The Council is also formally engaged in the Building Schools for the Future programme and will seek to procure a private partner to form a Local Education Partnership. The partner will construct the new school.

10. Policy and Performance Agenda Implications:

The proposal is a key part of Rotherham's Strategy for Change to implement its proposals for Transforming Rotherham Learning through Building Schools for the Future. It contributes to all of the priorities of Rotherham's Community and Corporate strategies.

11. Background Papers and Consultation:

Contact Name: Graham Sinclair, Director Resources and Access,
Children and Young People's Services
Telephone: 01709 822648
E-mail: graham.sinclair@rotherham.gov.uk

Annex A

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Notice of Application to make a Prescribed Alteration to Maltby Hall Infant School and to discontinue Lilly Hall Junior School.

Notice is hereby given in accordance with the Education and Inspections Act 2006 that Rotherham Metropolitan Borough Council intends to make the following changes to two community schools:

In accordance with section 15(1) of the Act, to discontinue Lilly Hall Junior School, Cliff Hill, Maltby, Rotherham S66 8AU. on 31st August 2013.

In accordance with section 19(1) of the Act, to make prescribed alterations to Maltby Hall Infant School, Rolleston Avenue, Maltby, Rotherham S66 8LN from the 1st September 2013. This is the expansion and the change of age range from its existing 3 - 7 years to 3 - 11 years.

The closure of the Junior school and the expansion and extension of age range of the Infant school will create a through Primary school for pupils aged 3 - 11 years of age.

The current capacity of the Infant school is 180 and the proposed capacity will be 420. The current admission number for the Infant school is 60 and the proposed admission number will be 60.

All pupils currently attending the two schools will be able to continue or transfer to the through Primary school. However, if they so wish, parents will be able to apply for a place at any other Primary school with places available.

There will be no requirement for changes to any transport arrangements, which will continue in line with the Authority's current transport policy.

This Notice is an extract from the complete proposals. Copies of the complete proposals can be obtained by writing to: Graham Sinclair, CYPS, Norfolk House, Walker Place, Rotherham S65 1AS or by telephoning (01709) 382121 ext. 2648. The proposals are also available on the Authority's website at: www.rotherham.gov.uk

Within six weeks from the date of publication of these proposals (that is by 27th February, 2009), any person may object to or make comments on the proposals by sending them to Mrs. J. Thacker, Strategic Director CYPS, Norfolk House, Walker Place, Rotherham. S65 1AS.

Signed: Joyce Thacker, Strategic Director, Children and Young People's Services

Publication Date: 16th January 2009

Annex A

PROPOSAL TO CLOSE MALTBY COMMUNITY SCHOOL - SPECIALISING IN BUSINESS AND ENTERPRISE AND REPLACE THE SCHOOL BY OPENING A NEW ACADEMY ON THE SCHOOL SITE.

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Rotherham Metropolitan Borough Council intends to discontinue Maltby Community School – Specialising in Business and Enterprise, Braithwell Road Maltby Rotherham S66 8AB on 31 August 2009.

The school, which is categorised as a community school, would close on the 31st August 2009 and a 11-18 Academy would be established on 1st September 2009 within the existing buildings. New build would take place from 2011 to 2013 when the new Academy building would open on the current school site. In September 2009 the admission number would remain at 290 with a new admission number of 200 being introduced from September 2010. The new build school will include 1000 11-16 pupil places with a 200 place sixth form.

All pupils attending Maltby Community School – Specialising in Business and Enterprise will be eligible to transfer to the new Academy. However, if parents so wish, it will be possible to seek a transfer to an alternative school with places available. Current admission criteria will remain in place.

Transport arrangements for all pupils will remain in line with the Authority's current transport policy.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained by writing to : Graham Sinclair, CYPS, Norfolk House, Walker Place, Rotherham S65 1AS, or by telephoning (01709) 382121 ext 2648. The full proposals are also available on the Authority's website at: www.rotherham.gov.uk

Within six weeks from the date of publication of this proposal (that is by 27th February, 2009), any person may object to or make comments on the proposal by sending them to Mrs. J. Thacker, Strategic Director CYPS, Norfolk House, Walker Place, Rotherham S65 1AS.

Signed: Joyce Thacker, Strategic Director, Children & Young People's Services

Publication Date: 16th January 2009

Explanatory Notes

The Local Authority, in proposing the closure of Maltby Community School and replacing it with a new Academy, is also seeking to 'amalgamate' Maltby Hall Infant and Lilly Hall Junior Schools and co-locate Hilltop Special School on to the current Community School campus in order to provide an all inclusive education for 2 - 19 year olds all on the same site. The 'amalgamation' of the

separate phase Primary schools will require the publication of statutory proposals, but although this is related to the current proposal, the two should not be seen as interdependent.

Any decision to close Maltby Community School will be contingent upon a Funding Agreement being signed by the Academy Trust, the Council and the Secretary of State for the opening of a new Academy in Maltby.

Annex B

Mrs J Thacker
Strategic Director CYPS
Norfolk House
Walker Place
Rotherham
S65 1AS

Re: The proposal to close Maltby Community School – and replace the school by opening a new academy on the school site.

Dear Mrs Thacker,

The Association of Teachers and Lecturers (ATL) Rotherham branch and the members of ATL in Maltby Community School wish to object to the proposal to replace Maltby Community School with an Academy, for the following reasons:

1. An Academy is not essential for BSF funding
2. There has been rushed, insufficient and undemocratic consultation
3. Sponsors must not profit from their work with the schools
4. Current Terms and Conditions and pensions will not be maintained after transfer
5. Assurances given and promises made now are irrelevant if they are not written into the Academy Trust's Article of Association.

In detail:-

1. An Academy is not necessary for BSF funding

We have been told on more than one occasion (principally by Mr Phil Marshall and Mr Graham Sinclair) that an Academy in Rotherham is essential for BSF Funding.

In particular, on 12th November 2008 we quote "*Mr Sinclair stated that the decision to propose Maltby as an Academy was based upon the need to acquire a new school building for Maltby first within the BSF programme. Also, it must be noted that **an Academy is a key element of the BSF criteria for all Local Authorities.***" (Ref 1 page 50 item 11).

And yet in the last few weeks, in a letter to the NASUWT, Mr Jim Knight, Minister of State for Schools and Learning wrote, "*I can confirm that the **release of BSF funding is not conditional upon local authority agreement to establish academies, indeed there are several schemes that have been signed off without them.***" (Ref 2).

And before anyone says that this is a new development we draw your attention to a statement made by a DFES spokesman on April 2006 "***BSF funding is not dependent on local authorities having Academies.***" (Ref 3, page 2).

Furthermore, over two years ago, in a letter to Education Secretary Alan Johnson, Sir Jeremy Beecham, vice chairman of the Local Government Association wrote that he had raised issues over academies with David Miliband when he was schools minister and "*received his categorical assurance that **agreement to inclusion in BSF was not conditional on an authority creating an academy***". This must have been as far back as 2004, when Mr Miliband was Schools Minister, or earlier. (Ref 4)

At the same time a DfES spokesman said: "***BSF funding is not dependent on having academies. It is dependent on local authorities demonstrating a strong vision to improve standards.***" (Ref 4).

Clearly the message from the DfES/DCSF for at least four years has been consistent: BSF funding is not dependent on having an Academy. Therefore, the ATL branch and staff at Maltby Community School have been misled.

Diversity

In a meeting on Tuesday 27th January 2009 at Maltby Community School with representatives from five unions (ATL, GMB, NASUWT, NUT, UNISON), the head teacher and chair of governors of Maltby Community School, Mr Phil Marshall when informed of the above stated that an Academy was included in the proposal to “provide diversity”. This was surprising as staff had been told on more than one occasion that the ultimate intention is that students in the Maltby catchment area will go to Maltby school, students in the Wickersley catchment area will go to Wickersley school, and so on across the Rotherham area.

Furthermore, the document “2008-11-10 RMBC Sfc 1 Draft 8” (Ref 5), states: *“We recognise that a more diverse offer may provide **greater choice to parents and students** and our strategic plans set out to provide a mix of Faith, Academy, Federations and specialisms aligned to both Rotherham and other LA outstanding schools.”*

So the purpose is to offer greater choice to parents and students.

But on 4th February 2009 David Sutton gave a presentation to staff, followed up with a document titled “Why do we need to become an Academy?” in which he wrote *“**Maltby’s geographical location means that the Academy status would not be considered a threat to other schools in Rotherham.**”* (Ref 6, point 4)

So really there won’t be much of a choice to parents and students.

We conclude that RMBC does not really want diversity, has chosen a school in the worst location for diversity to be effective, and has included an Academy only to “demonstrate” diversity to beef up the proposal to DCSF.

And certainly, no-one can pretend that Maltby needs to become an Academy to raise standards. In fact *“This year, we have again seen the best GCSE results on record at Maltby and the school has received national recognition with a prestigious award for most improved GCSE results over a three year period.”* (Ref 12) The school has also already shown a commitment to diversity and raising standards by being successful in its bid to become a specialist Business and Enterprise school.

We also note with interest RMBC declaring, *“Importantly, we have tackled our most difficult school reorganisation at Old Hall / Kimberworth (now Winterhill). The DCSF should see we are well placed to move forward.”* (Ref 10 page 141 item D). In fact, two weeks ago, Winterhill was given a “Notice to Improve” by Ofsted. We conclude that RMBC is NOT well placed to move forward.

2. There has been rushed, insufficient and undemocratic consultation

*“A Consultation and Communication framework will be established to: keep colleagues informed; to answer any questions as they emerge; **to ensure staff, parents and students voice is heard**; and to create a range of opportunities, venues and forums to deliver the above. **We will ensure the discussions are well informed within an effective communication and consultation strategy.**” (Ref 7 item 10)*

We claim that the consultation process was not well informed. Rather, it was deeply flawed, as follows:-

Staff

RMBC say, *“The Project Board learned of the good progress being made, with all stakeholders keen to work in partnership with each other. **In the main, the staff had responded positively to the Academy proposal.**” (Ref 8)*

In fact the third of four staff consultation meetings (actually the second of two for support staff – so some support staff missed out) scheduled for before Christmas with Human Resources from RMBC was cancelled by RMBC and promised it would be re-arranged in January 2009. It has not yet been re-arranged and the consultation period is now ended.

Furthermore, 61 staff questions tabled on 25th November 2008 were not replied to until January 2009 – after the consultation period had ended. Staff, via their union representatives, have follow-up questions and new questions to ask.

Rather than *“In the main, the staff had responded positively to the Academy proposal”*, the vast majority have responded unfavourably to the Academy proposal. Members of four unions in school have voted overwhelmingly to oppose the proposal.

Unions

RMBC say, *“Additionally Union representatives have indicated they would not object to this particular proposal as part of the BSF Project, while still objecting in principle to the Academy philosophy, nationally.” (Ref 9 page 9 item 9), and “There may be opposition to this although union representatives have already expressed support for the general Authority plans for BSF” (Ref 10 page 142 item 9)*

We disagreed with these statements, and so, on 25th November, amongst the 61 questions tabled by staff was *“The Rotherham Borough Council’s ‘Report to Members’ of 18th October states “... **Union representatives have indicated they would not object to this particular proposal as part of the BSF Project, while still objecting in principle to the Academy philosophy, nationally.**” From whom did Mr Sinclair receive this indication, because it did not come from the union representatives in school?”*

The answer, received in January 2009 stated, *“These were general comments from several Trade Unions. The Council recognises the potentially difficult dynamic for Rotherham Trade Union Representatives with regard to Academies and will continue to respond to any concerns that may arise”*. (Ref 11 “Unions item 4))

This is an unsatisfactory answer. In fact four of the five unions involved (ATL, NASUWT, NUT and UNISON) are affiliated with the Anti-Academy Alliance. The union representatives in Maltby Community School have never said that they would *“not object to this particular proposal.”* They represent the views of their members - and members’ views had not been polled until January 2009.

Parents

A letter was sent from Maltby Community School, via students, to parents and carers, inviting them to two consultation meetings. (Ref 12).

Unfortunately:-

- The letter carried multiple messages (best GCSE results on record, standards, uniform, Business and Enterprise status, proposed 0-19 Learning Campus – not just the Academy proposal) in which there were only three sentences in which the word “academy” appeared.
- Some students in school that day did not receive the letter to take home. No provision was made to guarantee that every student received a letter.
- Some letters did not arrive home to parents or carers. No provision was made for students who always “forget” to take letters home.
- The layout and vocabulary used was not appropriate for the wide demographic of the Maltby catchment area. No provision was made for parents with Learning Difficulties.
- The reply slip was headed “Maltby 0-19 Campus proposals” and so did not include the word “Academy”.

This element of consultation was undemocratic. Parent voice has not been fully heard.

Governing Body

RMBC has said, “*Risks remain around the public consultation and agreement to the Academy proposal. However there has been **positive support from the school governors and neighbouring schools.***” (Ref 9 page 9 item 9.)

What does “from the school governors” mean? How many of the eighteen Maltby Community School governors have given positive support, apart from Councillor Rushforth who happens to be a member of the BSF Project Board?

The governing body of Maltby Community School have not yet reached a decision regarding the proposal; it is inappropriate to pretend that the governing body has done so.

Student voice

Student voice has not been sought at all.

Maltby Community

RMBC has said, “*BSF will mean the establishment of an Academy, which **must undergo public consultation.***” (Ref 10 page 142 item 9)

In fact the Maltby Community has not been informed or invited to meetings at all. The opinions of the community has not been canvassed.

Furthermore, as far as we can determine, the proposal and how it may affect Maltby has never been raised in Maltby Town Council meetings.

We know that various members of staff of two neighbouring schools do not understand the concept of an Academy – let alone any details. For example one person thought “Academy” meant “new build” and another thought Maltby Community School was an Academy already. This demonstrates a complete lack of understanding about what the proposal means. And these were people who attended meetings supposedly designed to explain what is happening – meetings that have been used to demonstrate RMBC’s successful consultation. (Ref 1)

Public consultation has been undemocratic and misleading.

RMBC Consultation & Community Involvement

Did the BSF Project Team use RMBC's own CCI (Consultation & Community Involvement) Toolkit? It aims to provide good practice guidance for all those who wish to undertake Consultation & Community Involvement that has structure, cohesiveness and impact.

In fact, quoted in the toolkit, the Audit Commission has stated: "*Where user focus works, the positive benefits for the council have been increased user engagement, greater trust between individuals and councils and a greater sense ownership of services by users and a willingness to participate among citizens*". (Ref 20 page 4)

CCI is about "*asking people what they think about a decision that makes a difference to their lives or working conditions*"; and "*giving consultees an active and involved role in the development and implementation of service and service development*". (Ref 20 page 5)

"*People are less likely to get involved if they feel that decisions have already been made, and that their involvement is of minor importance. The earlier the involvement, the more likely it is to be a successful CCI activity.*" (Ref 20 page 11)

The toolkit lists a variety of methods and techniques for carrying out consultation and involvement: Roadshows, Open days, exhibitions, Public meetings, surveys, Citizens Panel, In-depth interviews, Focus Groups, E-petitioning/consultation, Area Assemblies, Seminars and Conferences, Community Workshops, Neighbourhood Committees. (Ref 20 page 14)

The toolkit states "*There is no 'best' method to consulting and involving communities; although CCI activities that use **a combination of methods will present the best overall results***" (Ref 20 page 14).

How many of these methods and activities has the BSF Project Group employed to get the "*best overall results*"? Teaching staff were invited to two meetings; support staff were invited to two meetings but one was cancelled by RMBC; parents were invited to two meetings, but not all parents received the invitations; the Maltby Community (the Public) has not been contacted at all.

In 2008 Maltby Community School's bid for Specialist Status said "*Within this community there are significant elements of acute socio-economic disadvantage, low educational aspiration and limited ambition. A range of negative social behaviours and resilient features of economic and cultural*

deprivation are deeply embedded in parts of the community. It is classified as one of the poorest regions within the European Union and on this basis qualified for European Social Regeneration Funding (Objective 1 status). (Ref 21 page 5)

Page 35 of the CCI toolkit clearly states “*The Equality and Diversity element of your CCI activity is essential if it is going to be successful and representative*” and “*it is the Council’s duty to provide a multiple range of mechanisms to reach all groups in our community*”. (Ref 20 page 35)

So it seems that the BSF Project Group believes that Diversity is important in a proposal to DCSF but not in public consultation with a deprived area such as Maltby – against RMBC’s own CCI recommendations.

The consultation period was November and December 2008. “*We will be engaging all the schools involved in a **process of consultation on the proposals between November and December** of this year. This will involve all of the main stakeholders in the Learning Community and will be taken back to the Council in January 2009. It is then expected that the feasibility stage will commence.*” (Ref 07 item 11).

This represents seven weeks. We understand that Government guidelines recommend 12 weeks minimum, plus extra to be added on if a holiday period is within the consultation period.

The process of consultation has been rushed and is deeply flawed, undemocratic and unrepresentative. This is, in our view, totally unacceptable in a society which supposedly represents freedom and democracy.

3. Sponsors must not profit from their work with the schools

We are very concerned to read in the proposals, “*It is proposed that a charitable trust would be set up as a **trading company within the Academy** generating revenues from the sale of innovative digital teaching and learning resources. As a Business & Enterprise Academy this would be extended to motivate our students to contribute their enterprising ideas and activities to raise additional funds to support the development of the Academy.*” and “*U-xplore appreciates the development of products will not incur costs for the academy **and any profits will be equally shared**. Details will be worked out during feasibility*”. (Ref 13 page 10). [We would like to point out that we are responding to a document here which we understand has been updated, but despite requests have not received the updated copy.]

But DCSF currently says “***Sponsors can not make a profit out of Academies.***” (Ref 14) and as far back as 2004 the DfES said, “***Sponsors do not make a profit and the schools do not charge fees***” (Ref 15 “Academies”)

In fact in 2004 the Schools Standards Minister David Miliband said about Academies, “***The role of the sponsors has been completely misrepresented. Their sponsorship is purely philanthropic. He stressed that academy sponsors did not make a profit from their work with the schools.***” (Ref 16)

We are perplexed as to how the proposal can blatantly overlook current and long-standing rules.

Now, it may well be that the arrangement being suggested is not necessarily illegal. It still begs questions, however, over the moral impetus to run the Academy and so we still think it is therefore a valid point that sponsors should not make financial profit from their association with an Academy.

This is of particular concern as according to the DCSF, the sponsor is able to appoint the majority of governors in an academy which gives them the potential for a controlling interest.

In the meeting on Tuesday 27th January 2009 with five union representatives, the head teacher and chair of governors of Maltby Community School, Mr Phil Marshall stated (we paraphrase) that Andy Pickles had ‘signed’ to say that he would not make a profit from his association with the academy. If this is correct it is welcome news but it means that the document “Matters To Be Specified In Section 15 Proposals To Discontinue a School” received by governors of Maltby Community School, on 30th January 2009” (Ref 13) is now incorrect and out of date.

While we are on the topic of the document “Matters To Be Specified In Section 15 Proposals To Discontinue a School” being out of date, we note that on page 9 it states “It is also envisaged that the governing body of the Academy would be made up of eleven members...” and yet as far back as 12th November Mr Sinclair and Mr Pickles were outlining to the governing body that the Academy governing body would have 13 members. (Ref 01, page 51 item 15)

4. Current Terms and Conditions and pensions will not be maintained after transfer

“Our partners in the Academy had no difficulty in agreeing to this proposal and it is not envisaged that any changes to Terms and conditions for Teachers or Support Staff would take place in the foreseeable future”

We have many examples of Academies in which staff have transferred under TUPE from a school to an Academy only to find that months later, terms and conditions are changed, or that new staff are recruited under a different set of terms and conditions.

In the second scenario, staff who apply for promotion will be applying for jobs under the ‘new’ terms and conditions. We object to a two-tier system.

Staff are very concerned with the words “envisaged” and “foreseeable future.” Because this gives the sponsor the right to change them one year in, or three months in, or whenever he wants.

Staffs’ uncertainty over their future could in fact be damaging to the school as the staff of the school have contributed greatly to the removal of its ‘notice to improve’ following an overall satisfactory Ofsted inspection in March 2008. The commitment of the staff at Maltby Comprehensive School has also been a contributing factor in the marked improvement in GCSE results in 2008.

5. Assurances given and promises made now are irrelevant if they are not written into the Academy Trust’s Article of Association.

Staff are concerned that a significant amount of information has been found to be false. Whilst we accept that these may have been errors because the process has been rushed by RMBC, staff are no longer able to trust what they are being told without intensive investigation to find out if other “errors” have been made. The deadline of 27th February 2009 (Ref 17) does not give staff sufficient time to investigate and evaluate fully.

But why has the process been rushed? It is quite clear that RMBC has been given an opportunity earlier than expected to bid for BSF funding. Unfortunately rushing the process means deterioration in the quality of the project.

This is evidenced in the recent debacle of the Richard Rose Academy in Carlisle which failed its emergency Ofsted inspection: *“And one aspect raised more than once is the fact that, in the inspectors' words: **“the Academy was brought forward by 12 months in November 2007 as part of the Department for Children, Schools and Families fast track programme”.** The department wants to have 200 academies either open or in the pipeline by 2010. Currently there are 133. **Bringing forward Central Academy had a detrimental effect, as one of its sponsors, local businessman Brian Scowcroft, acknowledged. “It's true to say that we were accelerated, which didn't give us as much time to plan as would have been ideal. But this is all with hindsight,”** he said. This had not been his choice. **“As a sponsor I was very keen to get up and running. At the time I saw the acceleration as a positive thing but perhaps that was a mistake.”** (Ref 18, page 2)*

In a letter sent to the unions the main cause of the Richard Rose Federated Academies problems is put down to the lack of consultations the letter says:

“Richard Rose Federated Academies is currently facing some challenging issues as a consequence of acceleration”

We believe RMBC is making a similar mistake.

Finally, we note that the Liberal Democratic Political Party has announced that their new education policy proposal, "Equity and Excellence", proposes to axe academies. (Ref 19, page 6). Clearly the political climate regarding Academies is changing.

In summary, our members in Maltby Community School object to the proposal because:-

- they want Maltby Community School to remain a community school
- the process has been unnecessarily rushed,
- there has been a complete lack of democracy and openness involved in the application and consultation procedures
- busy school staff trying to deal with a very complex situation have had great difficulty in finding out the truth,
- school staff no longer trust what they are being told by RMBC,
- there is a lack of public accountability
- current staff terms and conditions may not be maintained if Maltby becomes an Academy

We demand that:

- the proposal to close Maltby Community School and open Maltby Academy is abandoned

If RMBC is committed to continue to progress with an Academy in the Authority then:

- the programme is halted so that proper full consultation can take place involving ALL stakeholders including staff, governors, parents, primary school parents and everyone in the Maltby Community.

Yours sincerely,

Mr K Stoddart
ATL Rotherham Branch Secretary
23 Parkhill Road
Doncaster, DN3 1DP

Attachments: Reference list/References

References

Rotherham Borough Council Report to Members, Meeting: Cabinet Member for Children and Young People's Services on Wednesday 7th January, 2009, title: Proposal to open Maltby Academy, amalgamate Maltby Hall Infant and Lilly Hall Junior Schools and co-locate Maltby Hilltop School. Including Meeting with Maltby Comprehensive School Governing Body – 12th November, 2008.

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Minutes of the meeting of Building Schools for The Future Project Board, RMBC, Tuesday, 9th December, 2008.

RMBC Report to Members. Meeting: "Expression of Interest for Proposed Maltby Academy" Children and Young People's Services Cabinet Member and Advisers, 15th October, 2008

Children and Young People's Services

RMBC Report to Members, 9th April, 2008, Title: Building Schools for the Future – Readiness to Deliver.

Academy Questions answered in January 2009

Letter, dated 5th November 2008, from Maltby Community School.

"Matters To Be Specified In Section 15 Proposals To Discontinue a School" received by governors of Maltby Community School, on 30th January 2009

DCSF The Standards Site at:

https://mail.rgfl.org/exchweb/bin/redirect.asp?URL=http://www.standards.dfes.gov.uk/academies/what_are_academies/sponsorship/?version=1

DfES school categories and definitions July 2004. *U:\W2kTS\Application*

Data\Microsoft\Outlook\School categories and definitions.doc

"Miliband defends academy schools programme", *The Guardian* 9th December 2004

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Problem Academy was Fast Tracked, 29th January 2009

Equity and Excellence published 4th February 2009

RMBC CCI Toolkit, accessed from RMBC's website February 2009.

Specialist School Bid - Maltby Comprehensive School, 12th March 2008

Annex C

TRANSFORMING MALTBY LEARNING

Over the past few months we have been discussing the future of Learning in the Maltby Community.

We have had lots of discussions and we would like to thank you for any contribution you have made. We now want to give you an update on the developments and answer some of your remaining questions.

The Building Schools for the Future proposals, are designed to transform Learning in Rotherham. The plans for Maltby are the most extensive and will therefore receive the largest investment. The Secondary School with its primary and special school partners are leading the way for Rotherham.

This investment will make a significant contribution towards the regeneration of Maltby and the local area. We want an innovative and creative centre with the best facilities. The plans should help young people develop the skills they need in a rapidly changing world.

The plans for the Academy offers the support of new partnerships with the Local Authority, U-xplore and Sheffield Hallam University. They will bring in additional expertise and extra funding. These partnerships will provide new and exciting job opportunities to existing staff and local people. U-xplore through Andy Pickles, the Chief Executive will be the lead sponsor and the Local Authority will be the co sponsor:

Building Schools for the Future

What is this?

- As part of BSF, six new schools will be built in Rotherham. These are Maltby, Hilltop, Aston, Swinton, St Pius and Oakwood. If Maltby becomes an Academy in September they will be the first school to be rebuilt.

Academy

What will this mean?

- Same Head Teacher and staff
- Estimated additional £2 million of funding to further develop teaching and learning.
- New Governing Body comprising members from existing Governing Body, U-xplore (lead sponsor), Sheffield Hallam University and RMBC (co sponsor).
- Admission arrangements will stay the same (Maltby School for Maltby Students regardless of ability.)
- Strong links between the school, U-xplore and Sheffield Hallam University creating new learning opportunities for students and career development opportunities for staff.
- Strong links with all other schools in Rotherham, committed to collaboration to improve the standards of both Maltby and Rotherham children.
- Strong links with the community to provide adult learning and other community provision.
- The change to Academy means that the school becomes a Trust and the school is funded directly from central government.
- Local Authority (RMBC) continues to be directly involved with the school as one of the sponsors of the Academy.

TRANSFORMING ROTHERHAM LEARNING

What about the staff?

- Staff conditions of service will stay the same as in other Rotherham schools and follow national pay and conditions of service.

Why Maltby?

- It ensures a multi million pound investment in Maltby's buildings within the Building Schools for the Future Project
- Maltby is making excellent progress and is no longer 'underperforming'. Becoming an Academy will mean that the extra funding will increase opportunities for students of all ages and the Maltby community.

Who is U-xplore?

- U-xplore is a media education company based in Rotherham. It works with schools around the country using the latest technology to link employers to schools and careers to students.

How are Sheffield Hallam University Involved?

- They will provide a link which will create opportunities for students going into higher education as well as provide opportunities for staff development and training across the learning community.

Academy proposal timetable

1. Pre-statutory consultation period of meetings with staff, parents, pupils, governors, stakeholders etc (now completed).
2. Formal notice issued to change Maltby Community School to Maltby Academy. This starts formal consultation process and responses are still being collected up to the extended deadline of Friday March 20.

3. Decision taken by meeting of Cabinet Member for Children and Young People's Services on March 25 whether to proceed with Academy status.
4. Feasibility study carried out led by Department for Children, Schools and Families (DCSF).
5. If the feasibility study and Cabinet Member decision are both positive then Academy status is agreed and Maltby Academy is currently due to open in September 2009.

Across Rotherham we are transforming learning because:

- We want everyone in Rotherham to be responsible for all our children and young people.
- All learners in Rotherham will achieve and we must make sure no one is left behind.
- All our investment and policies aim to create and develop opportunities to learn.
- We want learning opportunities to be available to everyone and be responsive to the needs of local people.

We can do that by...

- Developing exciting learning communities in areas across the borough which bring together schools, colleges, children's centres and other learning opportunities.
- Improving results and educational development of people at all ages and raising people's aspirations.
- Making sure there are stronger links between services through initiatives such as co-locating special schools with mainstream schools.
- Linking learning more closely to work on employment and regeneration in the borough.
- Improving sport and leisure opportunities and creating more chances to learn for people of all ages.
- Using the latest technology to improve learning.



There's a range of projects already underway to achieve this including:

- Building Schools for the Future.
- Primary Capital Programme.
- Programmes In all schools to raise standards.

So what is Building Schools for the Future and what will it mean for Rotherham?

Building Schools for the Future (BSF) is the Government's project to rebuild or refurbish every secondary school in the country over a 15 year period.

Some towns and cities are already well underway with the project and Rotherham has now been accepted to join the scheme. We have already seen the positive effects that new buildings can have on learning through the new schools built under our PFI Project. The success of that scheme has meant we've joined Building Schools for the Future earlier than expected.



What will Building Schools for the Future bring?

It will mean a whole range of new facilities and cutting edge technology for schools and local communities to use to develop their education and learning. BSF investment in Rotherham will total around £200 million over three phases. We are initially receiving funding to rebuild five secondary schools and to co-locate one special school in Maltby:

- Aston.
- Maltby (and Hilltop School).
- Oakwood.
- St Pius.
- Swinton.

We are also using the Primary Capital Programme to create one new primary school (Maltby Hall Infant/Lilly Hall Junior).

We will then bid for funding to rebuild the rest of our secondary schools and receive around £25 million to create state of the art ICT facilities across all our secondary schools and special schools including existing PFI schools.

When will all this happen?

This is the timescale we are working on to achieve the Building Schools for the Future project in Rotherham.

February 2009 – August 2009

Submissions of plans to Government

September 2009 – March 2010

Outline business case submitted and agreed

April 2010 – August 2011

Procurement of partner to work with Council on BSF

August 2011 – December 2013

Construction of schools

September 2013

First school due to open

Where can I find out more?

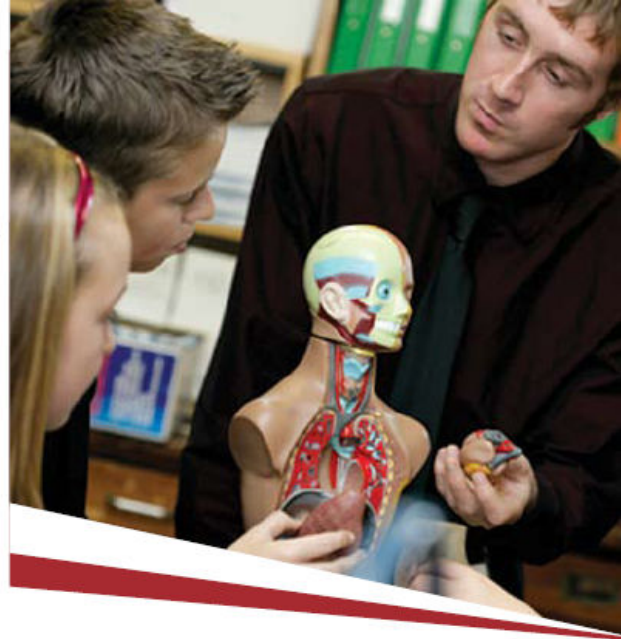
Information on Transforming Rotherham Learning and Building Schools for the Future is available from the Rotherham MBC website at:

www.rotherham.gov.uk/bsf

You can also visit your local school's website or to find out more about the national project you can go to:

www.partnershipforschools.org.uk

www.4ps.gov.uk



You can also get in touch to give your views by e-mail to: bsf@rotherham.gov.uk

or by writing to:

Graham Sinclair – BSF Project Director

or

Andrew Parry – BSF Project Co-ordinator

1st Floor, Norfolk House, Rotherham, S65 1AS

This document can be made available in your language and in alternative formats such as Braille, large print, electronic and audio-tape versions.

Contact us at:

minicom 01709 823 536

www.rotherham.gov.uk

اگر آپ کو یہ دستاویز کسی دوسری زبان اور / یا کسی متبادل صورت (فارمیٹ) میں درکار ہو تو ہم سے رابطہ کریں۔

如需索取這份文件的其他語文譯本和/或各種形式版本，請聯絡我們。

در صورتیکہ این مطلب را به زبان و یا شکل دیگری می خواهید لطفاً با ما تماس بگیرید

أتصل بنا إذا تريد هذه الوثيقة بلغة أخرى أو بصيغة بديلة

Veillez nous contacter si vous désirez ce document dans une autre langue et/ou dans d'autres formats.

Annex D

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICES

Ten Principles for a Rotherham Academy

1. Academy must be incorporated within wider strategy for B.S.F., that is we should not have one without the other.
2. Academy will sign up to the Rotherham Strategy for inclusion, which means:-
 - (a) The welcoming of children with S.E.N. into its community.
 - (b) A commitment to avoiding the exclusion of pupils.
 - (c) Agreement to collaborate with all other schools so as to offer inclusive pathways to all Rotherham Students.
3. Academy will follow both the national code for Admissions and sign up to the Rotherham agreement on Fair Access to Schools.
4. Academy Sponsors must be local, fully engaged with Council and C.Y.P.S. strategies, that is we should not accept any imposed arms length organisation. Ideally, the Council would wish to be a sponsor.
5. Academy will be committed to and fully involved in Rotherham's education and Single Plan Vision.
6. Academy must be committed to driving up standards, improving achievement and progression across all key stages for all children.
7. Academy must be fully engaged with the national and Rotherham's Every Child Matters Agenda, especially working in partnership with the integrated locality based teams.
8. Academy will agree to collaborate with the L.A. and Secondary schools on the choice and operation of its specialisms; sharing its resources with other schools especially in the context of providing vocational pathways for 14-19 students.
9. Academy will agree to the L.A. package of support and challenge.
10. Academy will commit to ensuring all staff benefit from the same terms and conditions they already enjoy in addition to further opportunities arising from innovative staffing structures.

Annex E

Children & Young People's Services

1ST Floor, Norfolk House, Walker Place, Rotherham S65 1AS
Tel: (01709) 822648 Fax: (01709) 822501

Email: graham.sinclair@rotherham.gov.uk
*Email the Council for **free** @ your local library!*



Ref: R&A/GS060208AccClarification /KS

Contact: Joyce Thacker

6th February 2009

Dear

Clarification on Proposals for Maltby Academy

We are writing to give you clarification on a number of points relating to the proposals for Maltby Academy, which will only come about if the feasibility process led by the dcsf is successful and if the Council approves the proposals following the current statutory consultation.

If the Academy is approved, all staff will have the same conditions of service that you currently enjoy. We are confirming that your terms and conditions, including pension arrangements will follow you and will prevail for any new appointees into the Academy. In short, your terms and conditions will apply as they do for all other Rotherham secondary schools.

We realise that information has been distributed in our Statement of Case that refers to the sponsor working with staff and potentially sharing profits. This was in an earlier version of the Academy vision and we have clarified with both the dcsf and the governors sub group that neither u-xplore nor anyone associated with the company will be making any profit from any public investment in the Academy. A legal agreement has been signed to guarantee this. We apologise for any misunderstanding and continue to believe our partnership will lead to exciting and outstanding outcomes for all members of Maltby's Learning Community as we enhance learning together.

We continue to discuss the future governance model with the school's governing body and feel we are making real progress here. The governors will soon be considering options for a shadow governing body, if the Academy proposals are agreed. This will ensure continuity and both local community and LA representation.

We have continually stated that the senior leadership of the current school will be the senior leadership of the proposed academy. This position has not changed. Your Headteacher and his leadership team, together with the school's staff are providing increasingly strong direction and outcomes for the young people of Maltby. All

parties are currently working together to determine a quick and straightforward process to ensure that the leadership position is strengthened and secure.

We sincerely hope that this letter provides re-assurance to allay some of the real concerns staff members have voiced over the Academy proposals. Additionally, we hope some attention can be given to the real and considerable benefits the process can bring to Maltby. The Transforming Rotherham Learning (BSF) proposals identify Maltby as the most ambitious element of our strategy with the largest attendant investment. The school along with its primary and special school partners are leading the way for Maltby and Rotherham with proposals that will transform the life chances of young people of all backgrounds and abilities, and in particular the most vulnerable. The Academy offers the support of partnerships with u-xplore and Sheffield Hallam University that will add real value to your endeavours. Further, the additional funding (an estimated £2m) from the dcsf will provide the resource capacity to manage the change and meet the challenge. This will provide new and exciting career and job opportunities to existing staff and local people alike during a time of acute financial pressure.

Our letter has covered some of the areas that we know have given rise to much discussion: terms and conditions, the lead sponsor, governance and leadership along with some of the substantial and real benefits associated with the Maltby Academy proposal. We hope that this has given you more comfort and we look forward to meeting you again soon to continue the discussion on a proposal that can lead to benefits for our children, young people, staff and the local community.

Yours sincerely,



Joyce Thacker
Strategic Director
Children and Young People's Services



Andy Pickles
Chief Executive
U-Xplore

K.Thompson
Chair of Governors

Proposal to close Maltby Community School and replace it by opening a new Academy on the school site –

Further Report for the Cabinet Member, Children and Young People's Services, 25th March, 2009

Since the publication of the report, there have been further objections, letters of concern and letters of support. All of these are presented as hard copy.

In total there have been 20 statutory objections to the proposal. These are from 3 Maltby parents, 10 Maltby residents, 2 individual teachers, 2 union representatives (NASUWT and UNISON) who write on behalf of the majority of their members and 3 from A.T.L., N.U.T. and UNISON.

There have been 4 letters describing concerns about the proposal and 5 letters of support. The latter concentrates on the investment, which the proposed Academy would bring thus building upon the current success of the school.

Principal objections and concerns relate to;

I. Appropriate consultation:

The Cabinet Member should refer to the details of the consultation in Section 7 of the main report

II. Privatisation of education relating to both the Academy and the Private Finance Initiative (PFI):

The Council agreed to several safeguards including being a co-sponsor and with 2 seats on the governing body. The Lead Sponsor, Andy Pickles, has already agreed to work closely (and is working closely) with the Council. The Cabinet Member should refer to the attached 10 principles for the Academy and the letter to staff in Annexe E of the main report.

III. Various concerns over control by U-Xplore and its ability to provide funding:

As stated above, U-Xplore is working closely with the Council and good evidence of this is Annexe E, the letter to all staff. On the issue of control of the governing body, a model is being examined, whereby there is a good measure of continuity with the current governing body, including governors to represent the local community. Funding would be worked through in the feasibility stage.

IV. Concerns about the environmental nature of the site and consequence of building on the site for local residents.

The Council will ensure that the sensitive nature of the site will be respected and that the local residents will be consulted at the appropriate times.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICES

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9. Academy will agree to the L.A. package of support and challenge.
10. Academy will commit to ensuring all staff benefit from the same terms and conditions they already enjoy in addition to further opportunities arising from innovative staffing structures.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Children and Young People’s Services Cabinet Member and Advisers
2.	Date:	25th March, 2009
3.	Title:	Proposal to Amalgamate Maltby Hall Infant and Lilly Hall (Maltby) Junior Schools
4.	Directorate:	Children and Young People’s Services

5. Summary:

The statutory notice period on the proposal to amalgamate Maltby Hall Infant and Lilly Hall Junior School concluded on 20th March, 2009. This report considers the determination to be made by the Cabinet Member for Children and Young People’s Services.

6. Recommendations:

It is recommended that the following proposals are approved

- (i) in accordance with Section 15(1) of the Education and Inspection Act 2006, to discontinue Lilly Hall Junior School on 31st August, 2013**
- (ii) in accordance with Section 19(1) of the Act, to make prescribed alterations to Maltby Hall Infant School from 1st September 2013. This is the expansion and the change of age range from its existing 3-7 years to 3-11 years. The admission number would be 60.**

7. Proposals and Details:

A statutory notice was published on 16th January 2009 (Annex A), following agreement by the Cabinet Member, Children and Young People's Services to publish proposals to amalgamate Maltby Hall Infant and Lilly Hall Junior Schools from September 2013. This followed the statutory consultation period with the parents, staff and governors of the affected schools during November and December of 2008. No objections to the proposals have been received.

The Cabinet Member as the Decision Maker should follow advice as described by the DCSF.

- (i) Does the published notice comply with statutory requirements? – This was already agreed in the Cabinet Member meeting of 7th January 2009.
- (ii) Has the Statutory Consultation been carried out prior to the publication of the notice? – Consultation was held with parents, staff and governors of the schools affected.
- (iii) Are the proposals in related to other published proposals? – The Council is also proposing to close Maltby Comprehensive and replace it by opening a new Academy on the school site. The proposal to amalgamate is not dependent on the determination of this proposal.

Standards and Diversity

The Council's policy on amalgamation is based on the following objectives:

- To provide a continuous primary entitlement across the key stages
- To provide a unified management structure with a single school ethos, which will be more effective and make more effective use of resources

Both of these will lead to improved standards for the children of the two schools and maintain the diversity offered by through primary schools in other parts of the borough. Further it is proposed to co-locate Hilltop School with the primary and the secondary school as part of Rotherham BSF programme. This will also lead to improved diversity of provision.

Every Child Matters

The proposal will contribute to all 5 outcomes of Every Child Matters as it is part of the proposals within Transforming Rotherham Learning through Building Schools for the Future. In working with the nearby locality team the secondary school and the special school, the needs of the children relating to learning and wellbeing will be catered for.

Need for Places

The school will offer the same number of places as currently, creating a 2 form entry school with a foundation stage.

Capital

The newly amalgamated school will be built as part of the proposals for Transforming Rotherham Learning through Building Schools for the Future, and the Primary Capital Programme. The latter will provide an initial £6.5 million for the capital build, which will be undertaken, as part of a build programme also involving the new secondary and special school. This will be completed by September 2013.

8. Finance:

The new school will be funded through Rotherham's Scheme of Delegation in the normal manner. Capital will be provided as described above, through the Primary Capital Programme.

9. Risks and Uncertainties:

Some uncertainty relates to the Building Schools for the Future process and confirmation of funding for the Primary Capital Programme from 2011/12 onwards. To mitigate these, we are now formally engaged in the former and will seek to procure a private partner to form a Local Education Partnership. The partner will construct the new school. The Primary Capital Programme is subject to confirmation in future comprehensive spending reviews but it is part of a 15 year funding regime.

10. Policy and Performance Agenda Implications:

The proposal reflects the Councils policy on amalgamating primary schools. It is also part of the Council's Transforming Rotherham Learning Strategy through Building Schools for the Future and the Primary Capital Programme. It contributes to all of the priorities of Rotherham's Community and Corporate strategies.

11. Background Papers and Consultation:

Cabinet Member, Children and Young Peoples Services 7th January, 2009

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