



## Cabinet

Date: 13<sup>th</sup> November 2018

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## Statutory Consultation Process – South Shields School

Report of the Corporate Director Children, Adults and Health

Cabinet Portfolio/Lead Member: Children, Young People and Families  
Cllr M Smith

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### Purpose of Report

1. The purpose of the report is to inform Cabinet of the outcome of the first stage of the statutory consultation process to cease to maintain South Shields School, as a condition of the Secretary of State for Education's revocation of the Directive Academy Order.
2. Following consideration of the outcome of the first stage of consultation, Cabinet is asked to consider whether it wishes to proceed to the next stage of the consultation which is the 'statutory representation period'. This would involve the publication of a statutory notice (link attached as Appendix 1 in background papers below). If agreed, the proposed publication date for the notice would be 21<sup>st</sup> November 2018.

## Introduction

3. Cabinet received a report at its meeting of 12<sup>th</sup> September 2018, and agreed to proceed with the statutory consultation process to close South Shields School. The main facts on the background to, and current position of, South Shields School are set out below, with the detailed information from Cabinet's previous report (link attached as Appendix 2 in background papers below).

## Background

4. Following an 'inadequate' inspection judgement by Ofsted in October 2017, a Directive Academy Order was made for South Shields School by the Secretary of State for Education in November 2017. The Regional Schools Commissioner (RSC), on behalf of the Department for Education, then sought to identify an Academy sponsor for the school.
5. In gathering information to identify a sponsor, the RSC required information about the viability of the school in relation to pupil numbers, and future financial sustainability. Information was not sought in relation to standards at the school.
6. The school has undertaken a previous programme of reviews to prevent a deficit budget up until this point and with some support from the Local Authority, has managed financial challenges within its budget. However, there is a point at which maintaining a balanced budget cannot be sustained and it is predicted that further falling numbers at the school will impact significantly upon the school budget in the future.
7. The school has fixed costs of £400,000 per annum in relation to the Private Finance Initiative (PFI) contract. This additional fixed cost accentuates the financial challenge for the school.
8. Projections for the South Shields catchment area to 2024/5 do not indicate any future demographic growth and so an increase in numbers for the school are highly unlikely. Schools in the surrounding areas also have surplus places. Pupil projections for the borough were made available during the consultation period and can be accessed via the link attached as Appendix 3 in background papers below.

Admissions patterns also indicate that a significant number of families living in the catchment area for South Shields School are choosing to express a preference for these or other schools.

9. On the basis of the findings of the due diligence carried out with the support of the Local Authority, the RSC failed to identify an organisation or individual to be the Academy sponsor for the school. The RSC is no longer seeking a sponsor for the school due to viability concerns.
10. As the school remains under a Directive Academy Order but no sponsor can be found, it cannot be converted to academy status. Under the current legislation, the school also cannot continue to be a school maintained by the Local Authority. The local authority was notified in early August 2018 that the Secretary of State has agreed in principle to the revocation of the academy order on the condition that the local authority undertakes the

statutory consultation process to cease to maintain the school. If the local authority fails to do this, the RSC can use the Secretary of State’s powers to direct the local authority to close the school.

### Current position

11. Cabinet agreed the recommendation to consult on the closure of South Shields School and to the following timescales for the statutory consultation at its meeting of 12<sup>th</sup> September:

Stage	Description	Timescale	Comments
1	Consultation	No prescribed timescale but recommended to be a minimum of 6 weeks, taking into account and avoiding where possible school holiday periods (particularly the end of term breaks)	<p>Cabinet consider and determine whether to commence Stage 1 informal consultation- <b>12th September 2018</b>.</p> <p>Proposed consultation from <b>20<sup>th</sup> September 2018</b> to <b>2<sup>nd</sup> November 2018</b> (six weeks) This will include publication of consultation material and public meetings.</p> <p>Following consultation, where Cabinet approval is given, the Council will be required to publish a statutory notice. Cabinet to be held <b>13th November 2018 (revised from provisional date of 14<sup>th</sup> November)</b>.</p>
2	Publication of Statutory Notice	1 day	<p>Propose to publish statutory notice on <b>21st November 2018</b>.</p> <p>Publication of the statutory notice commences the statutory Representation Period.</p> <p>Within 1 week of date of publication, the Proposer must send a copy of the full proposal to the governing body, Secretary of State, the CoE and RC Dioceses and any other body or person that the Proposer considers appropriate.</p>
3	Representation Period	4 weeks from date of publication of Statutory Notice	<p>Representation Period to end <b>19<sup>th</sup> December 2018</b></p> <p>Formal consultation of statutory and other stakeholders:</p> <ul style="list-style-type: none"> <li>- Governing body</li> <li>- Pupils at the school</li> <li>- Parents of pupils at the school</li> <li>- Teachers and staff at the school</li> <li>- Any LA likely to be affected, including neighbouring authorities where there may be significant cross border movement of pupils</li> <li>- Governing bodies, teachers and staff of any other school that might be affected, including any feeder schools and schools to which pupils may be dispersed</li> <li>- Parents of pupils at any other school that might be affected, including any feeder schools and schools to which pupils may be dispersed</li> </ul>

			<ul style="list-style-type: none"> <li>- Trades Unions</li> <li>- MP's whose constituencies include the school that is the subject of the proposal or whose constituents may be affected by the proposal</li> <li>- Any other interested organisation/person that the proposer considers appropriate (PFI related organisations, etc.)</li> </ul> <p>During the Representation Period, any person or organisation can submit comments to the LA on the proposal to be taken into account by the Decision Maker. Any requests for a copy of the full Proposal must be sent out to the person requesting it within 1 week of receiving the request.</p>
4	Decision	LA should decide within 2 months, otherwise it must be referred to the Schools Adjudicator	<p><b>Key Decision</b>            Formal report to Cabinet setting out summary of representations received and any responses made, risks and opportunities, officers recommendations and decisions available to Cabinet (approve without modification, approve with modifications, approve (with or without modification) subject to conditions as specified in the Establishment and Discontinuance Regulations, or reject)</p> <p>The timescales for publication of the Notice and conclusion of the Representation Period will identify the 2 month decision making period. The decision is proposed to be taken at Cabinet on <b>23<sup>rd</sup> January 2019</b></p>
5	Implementation	<p>No prescribed timescale however the date of implementation must be specified in the published notice, and is subject to any modifications imposed by the Decision Maker</p> <p>Consideration should be given in the Proposal for phased implementation plan for closure and impact upon pupils taking or due to take statutory examinations during the phases of implementation.</p>	<p>It is proposed to phase the implementation of the closure as follows:</p> <p><b><u>September 2018 – July 2019</u></b></p> <p><b>No changes: Years 7, 8, 9, 10, 11</b> to continue at South Shields School</p> <p><b><u>September 2019 – July 2020</u></b>  <b>No year 7</b> (Parents wishing to express a preference for this year would need to be informed of the potential for closure in 2020 as part of the Autumn term admissions round 2018)</p> <p><b>Years 8, 9, 11</b> remain at South Shields School</p> <p><b>Year 10 pupils</b> allocated to receiving schools to begin GCSE courses for September 2019</p> <p><b><u>September 2020</u></b>            School is closed from 31<sup>st</sup> August 2020  <b>Years 9 and 10</b> allocated to receiving schools for September 2020</p>

12. It should be noted that although the timescale was agreed for the Consultation process, the Council is able to halt or delay the process at any point if a credible alternative option is identified during the consultation period. This may include identification of a potential sponsor, if they meet the requirements of the Regional Schools Commissioner, and they are able to put together a credible plan to resolve the viability challenges of the School.

### **Consultation Process**

13. Following Cabinet's decision to begin the statutory process and consultation, the first stage of the consultation process was undertaken from 20<sup>th</sup> September to 2<sup>nd</sup> November 2018.
14. Options for consultation were necessarily limited to a single proposal for closure of the school. However, views expressed during the informal consultation will help to inform Cabinet's decision making as to whether to agree to proceed to the statutory phase with that proposal and if so, the timescale and phasing of its implementation.
15. Consultation information, a list of frequently asked questions updated at points during the consultation, and an online consultation response form was published on the Council's website. All parents received a letter notifying them of the above. South Shields School sent a paper copy of all consultation material to every parent. Copies of the information and response forms were also available at the public meetings. A copy of all available information can be found at the link attached as Appendix 3 in background papers below.
16. Prior to the start of the consultation, the Director of Children's Services and officers held a series of preparatory meetings with South Shields School to discuss the background and process for the consultation. These included separate meetings with the head teacher and chair of governors, the governing body, the school's senior leadership team and school staff. The following formal meetings were then held as part of the consultation, to give the opportunity to ask questions and make views known:

Thursday 20 <sup>th</sup> September 3.30pm	Trades Unions and Teacher Associations
Thursday 20 <sup>th</sup> September 5pm	Parents/carers/students of Years 7, 8 & 9 at South Shields School
Thursday 20 <sup>th</sup> September 6.30pm	Parents/carers/students of Years 10&11 at South Shields School
Tuesday 25 <sup>th</sup> September 3.30pm	Staff at South Shields School
Tuesday 25 <sup>th</sup> September 5pm	South Shields School Governing Body
Thursday 4 <sup>th</sup> October 3.30pm	Drop in session for parents/carers of pupils at Boldon and Mortimer Schools

Monday 15<sup>th</sup> October 2.30pm Meeting with local primary headteachers followed by drop in session for parents/ carers of local primary aged children

Tuesday 30<sup>th</sup> October 9am Further meetings with Trades Unions and Teacher Associations

17. Notes are available from the public meetings recording the points raised in these discussions rather than verbatim minutes. These can be accessed via the link attached as Appendix 4 in background papers below.
18. Views expressed by students at the public meetings have been captured in the general notes of the meetings. In addition, support was offered to the school to students in understanding the proposal and the process undertaken, seeking to reassure them that they will be fully supported throughout this period. The school did not take up this offer and have put in place their own arrangements in order to do this.

## Responses

19. A petition was received which includes 3,892 signatures. This will be presented to Council at their meeting on 29<sup>th</sup> November 2018.
20. The following written responses were received and can be accessed via the link attached as Appendix 5 in background papers below.
  - i. A response from the Governing Body of South Shields School
  - ii. A response from the NAS/UWT
  - iii. A response from Unison.
  - iv. 183 responses received by email and/or hard copy have been copied and collated in full.
21. The 183 responses in (iv) above, were received (172 on-line to the mail box and 11 paper responses) from the following groups:

Parent / carer	92
Resident	25
Other	25
Former parent	1
Member of staff	26
Governor	1
Pupil / student	11
Former student	2
<b>Total</b>	<b>183</b>

22. The number of pupils on roll at the beginning of the consultation was 527 and the number of staff was approximately 73. Responses to the consultation were received from 103 parents/carers and pupils and 26 members of staff, plus one response from a governor. The remaining 53 responses were from residents and other interested parties.

23. A breakdown of the responses to questions is as follows:

Question	Yes	% Yes	No	% No	Don't know	% Don't know	Blank	% Blank	Total
<b>Question 1</b> - Having read the consultation information, do you understand the reasons for the proposal to close South Shields School?	142	77.6%	26	14.2%	10	5.5%	5	2.7%	183
<b>Question 2</b> - Do you agree with the proposal for the closure of South Shields School on 31 August 2020?	14	7.7%	164	89.6%	1	0.5%	4	2.2%	183
<b>Question 3</b> - Do you have a suggested alternative to the timeline and implementation plan for the closure of South Shields School?	105	57.4%	58	31.7%	16	8.7%	4	2.2%	183
<b>Question 4</b> Do you have any further comments on the future of South Shields School?	114	62.3%	62	33.9%	0	0.0%	7	3.8%	183

24. The general themes from the comments made in the responses are:

**Question 1 - Having read the consultation information, do you understand the reasons for the proposal to close South Shields School?**

**Responses** - the majority of respondents were positive in their response to understanding the documentation. The main theme of responses to this question was that the documentation was clear but that respondents were unhappy with the proposal for closure.

**Question 2 - Do you agree with the proposal for the closure of South Shields School on 31 August 2020?**

**Responses** - The majority of respondents were against the closure of the school.

The vast majority of comments regarding possible closure of the school were negative and may be summarised as:

- i. *Many respondents understood the consultation information and the reasons for considering closure of South Shields School but nevertheless disagree with the proposal itself.*
- ii. *A number of respondents consider the reasons for the school closing as being unfair and is based on a decision to save money rather than for educational purposes.*

Response: There is no financial gain to the Council if the school was to close. The school is funded from the Dedicated Schools' Grant which is ring-fenced for schools and cannot legally be used by the Council for any other purposes. The consultation is based on the future viability of the school and the ability to deliver a broad and balanced curriculum to pupils.

- iii. *There was a view that the decision has already been made despite the consultation process that was underway.*

Response: No decision has been made on the future of the school. A decision will be made following the statutory representation period, if Cabinet agree to proceed to that stage.

- iv. *The majority of respondents said that South Shields is a good school and has made significant improvements over the last three years, The overall improvements made in the school by the current head teacher and leadership team, the outcome of the Ofsted monitoring visit and improvement in GCSE results was also flagged up by a number of respondents. In addition, many also said that the school offers good pastoral care and a high level of support to vulnerable pupils.*

**Response:** South Shields School was rated as 'Good' in the 2014 Ofsted Inspection. However the Inspection in 2017 rated the school as 'Inadequate'. GCSE results, particularly in core subjects, have improved in 2018 and the school did receive a positive monitoring report from Ofsted in May 2018. The school remains 'Inadequate' however and whilst it has been clearly explained that the consultation on potential closure is not about standards at the school, it is this 'Inadequate' judgement that led to the Directive Academy Order, the failure of the RSC to find a suitable sponsor and subsequently the requirements for the consultation on potential closure.

Although it is recognised that South Shields School does provide strong pastoral care and high levels of support for vulnerable pupils this is also the case in other schools within South Tyneside, many of which have a similar pupil profile.

- v. *A number of respondents saw this as a means for the Council to save money at the expense of the needs of children and of the community as a whole. They also challenged why the Council has not done more to bring about improvement in the school to challenge the deficiencies that are now reported.*

**Response:** There is no financial saving to the Council should South Shields School close. The funding for schools sits separately to Council funding, within the dedicated schools grant. The Council has supported the school financially to bring about improvements and has also supported the school with specific school improvement advice and support to improve attendance. The Council will retain financial liability for the PFI contract so there is increased financial risk rather than a saving.

- vi. *A number of respondents felt that the coverage in the local press had added to the difficulties in terms of pupil numbers at the school. The possibility of a rise in numbers in the future if the school was allowed to stay open and continue to improve was also suggested.*

**Response:** Parental preferences for South Shields School for September 2018 were made in the Autumn Term 2017, before the school was judged to be inadequate by Ofsted and some months before any local media coverage in relation to the future of the school. 59 first preferences for

South Shields School were lodged during the autumn term preference period alongside a small number of second and third preferences. Later in the academic year the Council allocated further numbers to the school for those children whose parents had not expressed a preference for the school. The Year 7 admission number in September 2018 was 77.

- vii. *A number of respondents also suggested that the school be given more time for another Ofsted inspection which they felt would result in the school being placed in a 'Good' category and an improved Ofsted rating would mean that the academy order could be lifted.*

**Response:** Ofsted would not normally monitor or inspect a school with a Directive Academy Order. However the Lead Member for Children's Services has written to the Ofsted Regional Director to request their support in undertaking a further inspection as soon as possible.

As South Shields School has been rated Inadequate, a Directive Academy Order has been placed on the school. Any future inspection outcome does not change that from a legal perspective and it does not follow that an improved grading would lead to removal of the Academy Order. It also does not address the underlying viability issues.

- viii. *A significant number of respondents expressed concerns around the disruption and negative impact on the education of current pupils, particularly those in current Year 9. Moving to potentially larger class sizes at another school was also raised as well as moving pupils to schools with 'Requires Improvement' Ofsted judgements.*

**Response:** the transition proposal described in consultation documentation was developed in order to minimise disruption for all pupils and particularly those who have already begun or about to begin GCSE courses of study. The proposal is that pupils going into Years 10 and 11 in September 2018 will complete their Key Stage 4 education at South Shields School and those going into Year 10 (current Year 9 pupils) in September 2019 will move into their new school in that year to begin GCSEs.

It is not necessarily the case that children would be joining bigger classes in their new schools and greater numbers in the cohort overall would be more likely to lead to more choice and a broader curriculum.

- ix. *The potential closure of a relatively new school building was also raised and suggestions to enable the school to remain open, and viable, include using part of the building for a SEN facility, merge with another school on the South Shields School site, close another school and/or move pupils from oversubscribed schools to fill surplus places. In addition, concerns about the future use of the site and the ongoing PFI commitment, should the school close, were also raised.*

**Response:** In response to the first part of the question, alternative options and suggestions have been explored and are set out in more detail in the link attached as Appendix 6 in background papers below.

As the school was built under PFI, options for future use of the site are limited and there are also statutory limitations that prevent loss of school sites for building. Regardless of the outcome of consultation it is expected that the school will continue to operate as a community or educational facility.

- x. *Various other issues raised include, concerns around additional travel and associated costs, impact on local bus services, cost of new uniform and the effect on local shops.*

Responses to these issues are covered in the statutory proposal impact statement that will be issued if Cabinet decides to proceed to a statutory representation period.

Specific questions raised include:

1. *Can more time be allowed for a sponsor to be found?*

Response: the potential sponsors who were previously identified withdrew their interests because of concerns about the long term viability of the school as a result of falling pupil numbers and the liabilities of the PFI contract. These concerns remain for any new potential sponsor. In addition the RSC has indicated that there is no prospect of a viable sponsor coming forward, however much time is allowed in the future. We are aware of a recent initial interest from a potential sponsor but understand this is not being taken forward following their contact with the Regional Schools Commissioner.

2. *Could the Council support the school if the academy order was lifted?*

Response: We are only aware of 4 secondary schools who have had a Directive Academy Order removed in circumstances since the 2010 Academies Act came into force. In each of those cases there were very specific individual factors that led to the Order being revoked. The specific factors in relation to South Shields are viability issues which were not a feature of those schools which have had a Directive Academy Order lifted. Even if the academy order was lifted it would not resolve the viability issues set out in the consultation.

**Question 3 - Do you have a suggested alternative to the timeline and implementation plan for the closure of South Shields School?**

**Responses** - Generally responses reflected the issues raised in response to question 2 but the following specific alternatives were suggested:

- i. Postpone any decision until there is a further Ofsted inspection and give staff 5 year contracts to allow all current pupils to complete their education at South Shields School
- ii. Close the school as soon as possible rather than dragging it out.
- iii. Consider sharing the school site with another provision e.g. SEND or Alternative Education Provision, sixth form, vocational centre for years 10 & 11, primary school or community facility.

- iv. Several suggestions on increasing pupil numbers e.g. explore catchment areas, advertise the school, consider closing another undersubscribed school or older schools.
- v. Consider alternative governance models to make the school sustainable.

In response, alternative options and suggestions have been explored and are set out in more detail in the link attached as Appendix 6 in background papers below.

#### **Question 4 - Do you have any further comments on the future of South Shields School?**

Responses were similar to those received for questions 1 to 3. Several respondents recounted their personal, positive experiences at the school as pupils, teachers or as parents of past or current pupils. Several respondents expressed support for the leadership and staff of the school.

25. The response from the Governing Body reflects many of the comments made from other respondents, in terms of improved results, support for vulnerable pupils, availability of alternative schools and the general impact closure would have. It also sets out projected pupil numbers and financial position if the school was to be converted to an academy and sponsored by a MAT.
26. The response from the NAS/UWT reflects other comments made from respondents in terms of the improvements to results. It also expresses concerns about the increase in class sizes in receiving schools as well as the impact on employment of staff in the school. It also highlights support given to the school, including day of action taken on 1<sup>st</sup> November 2018.
27. The response from Unison states that options other than closure have not been shared with Trade Union representatives. (Options and suggestions have been explored and are set out in more detail in the background papers). The response also requests that if the decision is to close the school then all measures possible be taken to minimise the impact on staff.
28. It is clear that respondents to the consultation have expressed support for the school remaining open.

#### **Underlying Viability Issues**

29. The key underlying viability issues for South Shields School relate to demographic growth, substantial surplus places in the secondary sector, admissions patterns and pupil numbers. This is further exacerbated by the school being subject to a PFI contract.
30. In terms of demographic growth, pupil projections show that there is no material increase in the projected numbers of pupils within the catchment area for South Shields School. Based upon actual primary data in the relevant planning area/s numbers moving from primary schools to secondary schools is static.

31. There are substantial surplus places within secondary schools surrounding South Shields School, two of the nearest secondary schools have significant capacity to absorb numbers from South Shields School now and in the future. Admission patterns show that over a period of time parents have been expressing a preference for the other schools in the area. South Shields School has never been full (the highest number was 741 in the year after opening against a capacity of 1000) and declining numbers have accelerated over the last two years.
32. In December 2017 South Tyneside Council was required by the RSC to provide specific information about South Shields School following the school's 'Inadequate' Ofsted Inspection and the issue of the Directive Academy Order. The information was required by the RSC to aid the identification of potential sponsors. The table below shows the number on roll in the last academic year (2017/18), the projections for September 2018 provided to the RSC based upon the numbers of first, second and third preferences; the actual numbers in September 2018 and numbers as at 2<sup>nd</sup> November 2018 (the November figures exclude pending in-year transfer applications from South Shields School).

<b>Year Group</b>	<b>October 2017 Census NOR</b>	<b>NOR Projections to RSC Dec 2017 (for Sept 18)</b>	<b>September 2018 Actual NOR</b>	<b>NOR as at 2<sup>nd</sup> November 2018 (excludes pending in-year transfer requests)</b>
<b>7</b>	<b>73</b>	<b>65</b>	<b>77</b>	<b>63</b>
<b>8</b>	<b>129</b>	<b>73</b>	<b>77</b>	<b>59</b>
<b>9</b>	<b>133</b>	<b>129</b>	<b>130</b>	<b>102</b>
<b>10</b>	<b>115</b>	<b>133</b>	<b>135</b>	<b>129</b>
<b>11</b>	<b>102</b>	<b>115</b>	<b>108</b>	<b>108</b>
<b>Total</b>	<b>552</b>	<b>514</b>	<b>527</b>	<b>461</b>

33. As can be seen from the table above, the future viability of the school has been further weakened by the number of requests to move now from South Shields School rather than wait to move in a managed cohort in September 2019 or September 2020 as described in the transition proposal. Despite the council and school writing to all parents to explain the benefits of their children remaining at South Shields School until the time came for their whole year group to move, this risk was always present from the point that the consultation on closure commenced.
34. As at 6<sup>th</sup> November 2018 there had been 129 in year transfer requests from parents for other school, the vast majority for Boldon and Mortimer Schools. These requests are in process and are all likely to be agreed given the number of surplus places in those schools. The Council, as admissions authority, cannot lawfully refuse to admit a pupil to a school where the admitting school has available places. The resulting decrease in numbers will further compromise the financial viability of the school and the ability to offer a broad and balanced curriculum.

## Financial or value for money implications

35. The RSC's inability to find a sponsor confirms serious concerns about the future financial viability of the school given that the school budget is based upon pupil numbers. The school was built under the Private Finance Initiative (PFI) in September 2011 and therefore has a number of years remaining on the contract. Currently the local authority and the school fund the PFI costs and these will need to continue to be met for the remainder of the contract. No decision as to the future of the school site has been made and this will not be considered until the outcome of the consultation process is finalised.

## Legal Implications

36. Section 4(A1) of the Academies Act 2010, places a duty on the Secretary of State to make an academy order for any maintained school that is eligible for intervention because it has been found by Ofsted to be inadequate. This is a mandatory duty. The Secretary of State retains the power under the Academies Act 2010 (s.5D) to revoke an academy order where it had been made because the school was eligible for intervention. The exceptional circumstances in which this power is used includes where the maintained school is not considered to be viable and therefore it is most appropriate to close.
37. The academy order will only be revoked on the basis that the local authority goes on to consult on the statutory process to close the school. Consultation is the first step in the statutory process as set out in the Education and Inspections Act, and is a legal requirement. If the local authority fails to so implement the statutory process, the RSC can use the Secretary of State's power under section 68 of the Education and Inspections Act 2006 to direct the local authority to close the school.
38. The statutory process for closing a maintained school is set out in the Education and Inspections Act 2006 and in the School Organisation (Establishment and Discontinuance) Regulations 2013. Statutory guidance for proposers and decision makers is also set out in the Department for Education publication 'Opening and closing maintained schools' (April 2016). Only the Local Authority has the powers to close a maintained school in accordance with the statutory processes set out in the legislation and guidance referred to above. The statutory process for the consultation on the closure of South Shields School is described in the table in paragraph 5 above. The draft statutory notice (Appendix 1) is an extract of the draft complete proposal. The draft complete proposal contains all of the information required by Schedule 2 of the School Organisation (Establishment and Discontinuance) Regulations 2013 and described in statutory guidance. This describes the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact and is also included at Appendix 1.
39. The Council must comply with the statutory regime for school re-organisation, with the statutory guidance and must have regard to any non-statutory guidance published by the Department for Education on the process for ceasing to maintain a school. The Council must provide

sufficient information to enable stakeholders to form a considered view on the proposal.

### **Risk Implications**

40. Continuation of the consultation process will be carefully managed and evaluated in line with statutory guidance and taking account the views of consultees in order to minimise and mitigate risks.
41. The high level of requests for in-year transfers presents a risk both to South Shields School and the receiving schools. As well as further impacting on the viability of South Shields School it is important to ensure an effective transition of pupils to minimise any impact. The Council is working with schools to support them in mitigating this risk.
42. Any delay to a decision on the future of the school is likely to have a detrimental impact on the school, its pupils and staff. Ongoing reduction in pupil numbers leads to financial challenges impacting on staffing and the schools ability to deliver a full and balanced curriculum. The timetable and phasing proposal set out in the table in paragraph 11 is proposed to mitigate this risk.

### **Equality and Diversity Implications**

43. The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination, advance equality and to foster good relations.
44. The proposed representation period will involve a broad range of stakeholders and will ensure that equality and diversity issues are represented and considered to ensure fair and equal treatment of pupils and staff in South Tyneside Schools.

### **Environmental and Sustainability Implications**

45. There are no environmental or sustainability implications arising out of this report. Any environmental and sustainability implications arising from the representation period will be duly considered.

### **Options to be considered**

46. Cabinet could reject the recommendation to proceed to the next stage of the statutory consultation on the closure of South Shields School. If this were the case the RSC can use the Secretary of State's power under section 68 of the Education and Inspections Act 2006 to direct the local authority to close the school.
47. A number of alternative options have been explored to support sustainability of the school and were discussed in detail with the governing body of South Shields School on 25<sup>th</sup> September 2018. Any alternative option would need to resolve the underlying viability issues described in paragraphs 29-34 of this report to enable the RSC to restart the search for a sponsor. The alternative options explored can be accessed via the link attached as Appendix 6 in background papers below.

## Recommendations

48. **Following consideration of the outcomes of the informal stage of consultation and any further information arising since the 12<sup>th</sup> September report, it is recommended that Cabinet consider:**
- a. Whether to proceed to the next stage of the statutory consultation with the publishing of the Statutory Notice on 21st November 2018;  
  
Subject to (a.) above
  - b. Agree the Statutory Representation Period to run from 21<sup>st</sup> November to 19<sup>th</sup> December 2018.

## Reasons for Recommendations

49. The recommendations are made in order to determine the Council's response to the requirements of the Secretary of State for Education to consult on the closure of South Shields School in order that the Academy Order be revoked.

## South Shields School: Proposals for consultation

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The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report and can be accessed here:

[www.southtyneside.gov.uk/southshieldsschool](http://www.southtyneside.gov.uk/southshieldsschool)

Background Paper	File Ref:	File Location
Draft Statutory Notice	Appendix 1	<a href="http://www.southtyneside.gov.uk/southshieldsschool">www.southtyneside.gov.uk/southshieldsschool</a>
Cabinet report 12 <sup>th</sup> September 2018	Appendix 2	<a href="http://www.southtyneside.gov.uk/southshieldsschool">www.southtyneside.gov.uk/southshieldsschool</a>
Information and response forms, including pupil projections	Appendix 3	<a href="http://www.southtyneside.gov.uk/southshieldsschool">www.southtyneside.gov.uk/southshieldsschool</a>
Notes from consultation meetings	Appendix 4	<a href="http://www.southtyneside.gov.uk/southshieldsschool">www.southtyneside.gov.uk/southshieldsschool</a>
Written responses to consultation	Appendix 5	<a href="http://www.southtyneside.gov.uk/southshieldsschool">www.southtyneside.gov.uk/southshieldsschool</a>
Options Appraisal	Appendix 6	<a href="http://www.southtyneside.gov.uk/southshieldsschool">www.southtyneside.gov.uk/southshieldsschool</a>