

Committee: **Scrutiny Committee for Education and Libraries**

Date: **17 September 2003**

Title of Report: **Hastings and Rother 16+ Review Preliminary Report**

By: **Chair of the Scrutiny Review Board**

Purpose of Report: **To inform the Committee of developments to date in the scrutiny of the 16+ review.**

RECOMMENDATION: The Committee is recommended to:

- (1) note the comments of the scrutiny review board and**
 - (2) approve the continuation of the scrutiny review.**
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1 Introduction

1.1 The July meeting of the Committee considered under notification of urgent matters the concerns members of the committee had about the current review of post-16 education provision in Hastings and Rother being jointly undertaken by the Sussex Learning and Skills Council (SLSC) and the Education and Libraries Department. A Scrutiny Review Board was established comprising Jeremy Taylor, Mrs Sarah Maynard and Councillor Garvican to scrutinise the consultation process and the implementation of further stages of the joint review. Jeremy Taylor was elected chair. The Board has met twice to date.

2 Supporting information

2.1 The Board has reviewed the consultation publicity and also the May 2003 KPMG report 'Hastings and Rother Review Feasibility Study and Appraisal of Options'.

2.2 The Board submitted questions about aspects of the joint post 16 review to the Director of Education and Libraries. The questions and responses are attached as Appendix 1.

2.3 Between September and November, the Board will continue to monitor the consultation process and the evidence gathering undertaken by the joint LSC/LEA review. The Board will then report to the Education and Libraries Scrutiny Committee at the meeting on 26 November and the future of the scrutiny process will be decided.

2.4 The Chief Executive and the Chair of the Learning and Skills Council will attend the November meeting.

2.5 The Board is using a DfES guidance publication called School Organisation Proposals by LSC to provide a benchmark against which to measure the progress of the joint review.

2.6 The schools and colleges affected by the joint post 16 review are:

11-16 schools

Bexhill High School
Claverham Community College, Battle
Robertsbridge Community College
St Richard's Catholic College, Bexhill

11-18 schools

Filsham Valley School
The Grove School
Helenswood School
Hillcrest School
Thomas Peacocke Community College, Rye
William Parker Sports College

Colleges

Bexhill College
Hastings College of Arts & Technology

3 Conclusion

3.1 The Board will present a further report to the November meeting of the scrutiny committee with recommendations for future of this scrutiny review.

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Chair of the scrutiny review board

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Appendix 1

Issues for clarification with the Director of Education:

1 Who are the key stakeholders in the review and are there views being given a weighted value.

- 1.1 There are six 11-18 schools, four 11-16 schools and two colleges in the Hastings & Rother area. These are listed in Appendix 1. Staff, governors and students of these schools and colleges are all stakeholders in the review. Parents and carers of students are also stakeholders.
- 1.2 Other than the two colleges, Hastings Borough Council Tressell Training is the only formal work based training provider established in the area.
- 1.3 In the wider sense the whole community is a stakeholder in the review, as the quality of education and training provision is inextricably linked with the process of regeneration and the development of economic and social well being.
- 1.4 There is no formal weighting placed on the views of different stakeholders. However, at this point in the review it would be true to say that more time has been spent in dialogue with senior staff and governors of the schools and colleges than with other stakeholders, such as students, parents, employers and the wider community. It will be important that further opportunities are made for these groups to contribute in the further stages of consultation.

2 Are the LSC subject to scrutiny themselves.

- 2.1 The LSC is not constituted in the same way as the County Council, and there is no similar body to the Scrutiny Committee which scrutinises its work. However, the approval mechanisms for any proposal put forward by the LSC provide an opportunity for scrutiny of the process by which the proposal was developed.
- 2.2 Where changes to school sixth form provision are proposed by the LSC, these mechanisms include the national Young Persons' Learning Committee and then the Secretary of State. LSC Circular 03/07 states, "The YPLC must approve an LSC proposal before it is published. Its decision making role is limited to two areas: to determine whether or not the LSC's criteria have been met for the proposal being put forward and to give additional legal and procedural scrutiny to the proposal in order to confirm that the statutory and procedural processes are sound."
- 2.3 In considering any proposal, the YPLC and the Secretary of State will wish to satisfy themselves that the local LSC has followed the published guidance and regulations for Strategic Area Reviews and the publication of proposals for change, including the requirements for local consultation.
- 2.4 A further mechanism for scrutiny of the LSC's work - and indeed that of the LEA - is the series of Area Inspections to be carried out by Ofsted. These inspections review the quality of strategic planning for 14 - 19 education and the outcomes in terms of provision, standards and participation across a geographical area. It is likely that there will be an Area Review of the East Sussex and Brighton and Hove part of the Sussex Learning and Skills Council area in spring 2004.

3 From the consultation so far are there any key groups substantially opposed to the review and what are their concerns.

3.1 No groups have been opposed to the review itself, and there is wide acceptance that the status quo is not an option. However, views are divided on the 'tertiary college' option, which is emerging as the likely preferred option of the Project Board. Generally, the 11-18 schools and Bexhill College would prefer to see an arrangement which is built upon the present pattern of provision, retaining separate establishments (including sixth forms), and not developing a new post-16 presence for rural Rother. Generally, the 11-16 schools and Hastings CAT support the 'tertiary college' option.

3.2 The main concerns expressed by those who are opposed to the tertiary college option are as follows:

- Overall, there will be a reduction in choice and diversity.
- A large, 'monolithic' college is not the best means of providing direction and support to students, especially the most vulnerable and those currently least likely to stay on in education or training.
- There can be no guarantee that a new arrangement would improve performance.
- There will be a harmful impact on schools losing sixth forms in terms of:
 - recruitment and retention of teachers
 - financial adjustments needed as budget shares reduce in line with reducing student numbers
 - loss of role model/aspirational factors which a sixth form provides for younger students
 - possible increased competition between schools because of spare places capacity.
- Spare secondary school capacity will require one school to be closed, or will burden all schools with additional costs which will not be supported in their budget shares.
- A federation of sixth forms, possibly including Bexhill College, is more likely to meet the aims of the review.
- Separate rural Rother provision will undermine the viability of Bexhill College, and possibly of some Hastings sixth forms also.

4 How far has the original timetable been revised.

4.1 The timetable proposed to the Cabinet at its meeting on 23 October 2002 is attached as Appendix 2 to this paper. This timetable has proved to have been ambitious, and did not allow sufficient time for the detailed feasibility study options by KPMG, nor for the development and investigation of alternative options, such as the federal sixth form proposal made by the Hastings schools. The timetable has been subsequently revised, in consultation with stakeholders. There has been general acceptance that it would be wrong to prolong uncertainty, but that sufficient time needs to be taken to consider all the issues properly.

4.2 The project Board is now working to a revised timetable, which will be put to the Cabinet at its 23 September meeting. Key milestones include:

By Cabinet & Sussex LSC	
Approval of 'preferred option' for further development work	End Sept 2003
Development work on preferred option, working stakeholder groups	Autumn term 2003
Final preferred option adopted for formal consultation	January 2004
Final proposal approved by Cabinet & Sussex LSC for formal statutory notices procedure	May 2004
End of notice period	July 2004
Decision by Secretary of State (earliest)	Sept 2004

4.4 Each of these steps and the nature of the final proposal is of course subject to the outcomes of consultation and the views of the Cabinet and Sussex LSC.

5 What is the value of maintaining the KPMG report as a confidential document.

5.4 The confidentiality of parts of the first KPMG report (July 2002) was a contractual commitment between Sussex LSC and KPMG. One reason for this was that KPMG wished to obtain open and frank comments from those it interviewed in preparing its report, and therefore wished to give guarantees of confidentiality to its interviewees. However, it has generally been accepted that this approach was mistaken and has created unnecessary mistrust about some aspects of the review. Lessons have been learned from this, and the second KPMG report (May 2003) has been made available in full.

6 What is the purpose of the consideration being given to the review by Cabinet on 23 September.

6.4 Subject to the final Project Board recommendation, at the meeting on 23 September the Cabinet will be asked to approve a proposal that the 'tertiary college' option be declared the 'preferred option' for further detailed development work. Representatives of stakeholders groups are to be asked to work with the project team on this development work, focussing in particular on developing a proposal which addresses the concerns which have been expressed in the review so far.

7 Will the review panel make the final decision.

7.4 The powers of the various bodies involved are as follows:

- The Project Board cannot make decisions, it can only recommend.
- The County Council can make proposals about changes to school sixth forms, or the establishment of new sixth forms. Such proposals are subject to the statutory notice procedure, and the County Council may only determine the proposal if there are no objections. If there are objections, the final decision lies with the School Organisation Committee or, if the Committee cannot reach a unanimous view, with the independent Schools Adjudicator.

- Sussex Learning and Skills Council can make proposals about changes to any post-16 provision, including to school sixth forms maintained by the County Council. Such proposals are subject to a similar statutory notice procedure, but if there are objections the matter is referred to the Secretary of State for final decision.

8 What is the nature of the relationship between the LEA and the LSC.

- 8.1 The Learning & Skills Council has the duty to plan, fund and assure the quality of all post-16 education and training (other than higher education) in England, in accordance with its remit laid down by the Secretary of State. Sussex LSC is one of 47 local 'arms' of the Learning & Skills Council, whose headquarters are in Coventry.
- 8.2 The County Council as LEA has the power to provide post-16 education in school sixth forms and in separate 16-19 sixth form colleges. In doing so, it must have regard to the strategic plan of Sussex LSC. School sixth forms are funded by the LSC, in accordance with its national funding formula.
- 8.3 Sussex LSC and the County Council are conducting this review in partnership, but in view of the relative statutory responsibilities, Sussex LSC may be regarded as the lead partner.

9 Will the School Organisation Committee be involved at any stage.

- 9.1 See answer to 4.7. The School Organisation Committee will only be involved directly if the County Council takes responsibility for publishing those parts of any proposal which involve the closure or establishment of sixth forms. The SOC may wish to consider whether it should comment on any statutory proposal made by Sussex LSC.
- 9.2 If the situation were to arise where the County Council published a proposal which was in conflict with a proposal published by Sussex LSC, regulations require the LSC proposal to be considered first by the Secretary of State.

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