

**MINUTES OF A MEETING OF THE PEOPLE AND FAMILIES SCRUTINY
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD, ON THURSDAY 14
NOVEMBER 2013**

County Councillors:

* G Butland (Chairman)	* R Howard
A Bayley	* N Hume
* D Blackwell	* J Huntman
* R Boyce	* S Lissimore
* J Chandler	* M McEwen
* J Deakin	* M McGeorge
* R Gadsby	* C Seagers
* T Higgins	* A Wood
P Honeywood	

Non-Elected Voting Members :

* Mr R Carson	* Rev R Jordan
Mr M Christmas	Ms M Uzzell

*present

The following Members were also present:

Councillor J Aldridge	Councillor R Gooding
Councillor K Bobbin	Councillor J Knapman
Councillor A Brown	Councillor R Madden
Councillor P Channer	Councillor V Metcalfe
Councillor A Erskine	Councillor J Reeves
Councillor D Finch	Councillor J Young

The following officers were present in support throughout the meeting:

Robert Fox	Governance Officer
Matthew Waldie	Committee Officer

The meeting opened at 10.00 am.

1. Apologies and Substitutions

The Chairman reported the receipt of the following apologies:

Apologies	Substitutes
Cllr A Bayley	Cllr J Huntman
Cllr P Honeywood	Cllr S Lissimore
Mr M Christmas	--

2. Declarations of Interest

There were none.

3. Call-ins on the Cabinet Decision to close The Deanes School, Benfleet

The Committee noted PAF/12/13. The Chairman reminded Members that he intended to take the item on the call-ins as urgent business, and as first

substantive item on the agenda. The original agenda items would be taken after this, if time allowed. Any items not so covered would then be considered at the additional Committee meeting that had been scheduled for Thursday 5 December, at 2.00 pm.

The Chairman outlined the procedure for the consideration of this item:

- Any comments from members of the public.
- Members given the opportunity to make the case for their respective call-ins, in the order in which they had been received. Any respective witnesses called by Members may speak at this stage.
- Members have the opportunity to ask questions of those making the call-ins, after each one.
- The Cabinet Member then responds to questions raised by those making the call-ins and presents his own case, with his witnesses, as required.
- Committee Members have the opportunity to ask questions of the Cabinet Member and his witnesses.
- Committee Members may ask questions of all parties, and debate the issue.
- Decision is made by the Committee on whether the decision should be referred back or not, and if so, whether it should be referred back to the decision maker or to a full meeting of the Council.

A. Members of the Public address the Committee

a) Colin Riley, Castle Point Councillor for the Victoria ward, in which the school is located. Former County Councillor for South Benfleet.

Councillor Riley expressed two concerns:

- At its meeting in February 2013, Cabinet unanimously approved the budget, including £23 million set aside for The Deanes rebuilding project. Were Cabinet Members and/or senior officers not aware of the possible impact of declining numbers at the school at this time?
- In March 2013, Councillor Riley received assurances from Councillor Finch, at that time Cabinet Member for Finance, that the funding was secure.

B. Members making a Call-in

i) Richard Carson, non-elected voting Committee member, representing secondary school governors. Mr Carson asked his three witnesses to address the meeting.

a) Councillor Jillian Reeves, Member for Hadleigh and local Member for The Deanes School, drew Members' attention to three main points:

- ECC officers initially failed to approach Castle Point Council for evidence on likely housing growth. In August Castle Point submitted projections on housing growth to the Task & Finish Group. Since then, ECC officers have produced predictions via a methodology supposedly based on these figures, but they have not used these figures. And Education officers sitting in County Hall are less likely to be able to assess predicted levels of housing growth than locally based planners.

- This will limit the choice of those parents from Basildon whose children currently attend The Deanes, as, if The Deanes closes, there will only be places for local children at either King John or Appleton, but none for those from further afield. ECC should be closing down places at underperforming schools and expanding them at good schools, not the other way around.
- No conclusive evidence of change has been submitted by officers. The only change is that a new Autistic Spectrum Disorder Hub was planned for the site, which was missing from the consultation document. The Council has never closed a school because of falling numbers and the procedure adopted here has been very poor.

b) Councillor Pam Challis, OBE, Leader of Castle Point Council, informed Members that Castle Point Council opposed the closure of the school, regarding it as a valuable local asset. She made several points:

- The ECC figures are wrong, only including known future housing provision. Housing is a very sensitive area – but the County Council has received full information.
- Castle Point has repeatedly sought projected future pupil figures for King John and Appleton, but has not yet received a satisfactory response from ECC. Castle Point is not satisfied that these two schools will have sufficient capacity.
- The Deanes provides parental choice, in that not every child wants to go to a larger school, however highly rated. Her own grandson, who has Aspergers, through strong support from parents and school, was able to stay in mainstream education and has subsequently graduated from the University of Essex. This stems from parental choice.

c) Rebecca Harris, MP for Castle Point, addressed the meeting:

- She has copies of minutes of meetings of The Deanes governing body, which explicitly refer to conversations held between the Headteacher of Deanes and named ECC officers, in which The Deanes was told to actively decrease its roll. She asked the Committee to formally seek an explanation of this from officers
- Pupil forecasts. In September 2012, ECC forecast an entry of only 50 for 2013; the actual figure turned out to be 74, before the announcement was made about the proposed closure. Not only does this show the predicted figure was out by 50%, but the actual figure should have been taken into account by Cabinet, when they considered the budget allocation in February 2013. Where did this concern over rolls come from?
- Parental choice. Those Basildon parents who currently send their children to The Deanes will have no option but to send them to their local schools, one of which has only just come out of special measures; this has not been factored into the Cabinet report. King John and Appleton are very good schools, but things can change quickly and Castle Point parents should be able to exercise genuine parental choice, particularly as many of them may feel that these large schools are not the most appropriate places for their children.

In response to a Member's question, Councillor Challis confirmed that, although Castle Point has not adopted a core strategy at present, it did have a five-year plan in place and she was confident about the building projection figures.

ii) Councillor Ray Howard, Member for Canvey Island West and Cabinet Member for Castle Point Borough Council, addressed the meeting. His reasons for call-in were two:

- Accommodation. Both King John and Appleton are both excellent schools; but King John is on a very tight site and has very little room for expansion, and Appleton is situated too far to the west of the borough and has poor access. Again, the Canvey schools are good, but almost full. The Deanes is well placed, particularly with the imminent housing development in the area.
- Student numbers. The area is experiencing a baby boom. Parental choice will be affected by this closure - parents from Southend and Basildon will be affected.
- Overall, given these circumstances, it would make sense to rebuild Glenwood Special School, as currently planned, retain those sports facilities currently linked to The Deanes School, and to rebuild the school itself.

a) Andrew Sheldon, local District Councillor. (He is also a governor of King John School, but is under voluntary suspension from this position at the moment, in order to be able to represent the interests of his constituents.) He expressed his concern over the precedent being set by this proposed closure. The case for closure, as shown in the Cabinet paper, was based on three areas:

- Surplus places. When considering the removal of surplus places as a rationale, the Guide for Local Authorities suggests taking into consideration academic standards across the local authority; but the Cabinet Paper makes it clear that only the standards of the other two mainland schools in the Borough were looked at. (Relative to the whole of Essex, The Deanes stands up well, being in the top half for added value and just below that for GCSE grades.)
- Viability.
- Choice. There may be a domino effect stemming from each area having to look to its own schools, as this may limit the choice for all parents.

b) Andy Johnston, parent of a Deanes School pupil, pointed out that

- those living in The Deanes catchment area now had no school for their children.
- As a governor of a local primary school which fed many children through to The Deanes, he was aware that the past year had been one with an abnormally low birth rate, which had seen this primary school have to reduce the number of its Reception classes from three to two; and these were the year's figures used by the ECC as a basis for their case. These primary numbers are now increasing again and he

wondered what would happen when even these normal rates worked through the system.

iii) Councillor Theresa Higgins, Member for Parsons Heath & East Gates, suggested that the reasons for closing any school should be good; but the reasons given here are just not good enough:

- The co-location of The Deanes and Glenwood would provide the opportunity of a unique educational and social experience for the pupils of both schools. The work they have done together to date has already had a significant impact. Such schools already exist in other local authorities, but this would be a first for Essex.
- Neither of the other two schools meet the requirements of the Equality Impact Assessment that the local authority was obliged to carry out.
- The Cabinet paper purports that the pupils' development would be damaged by them staying at the school; but Councillor Higgins disputes this, pointing out that the Ofsted report is good and not everybody benefits from being in a large school environment.

a) Jane Butson, parent of a Deanes School pupil, informed the meeting that her son suffered from autism and ADHD. He had received immense support from The Deanes, even before coming to the school, with the creation of a transition plan beforehand, and a transitional sports week during the summer holiday before starting Year 7. These had been very helpful, and the school had continued to give active encouragement and support. She was certain that a larger school would not be able to provide this level of support.

b) Joe Cooke, grandparent of a Deanes School pupil, addressed the meeting. As the grandparent of disabled grandchildren, he could speak for the school's ability to "close the gap" between special needs children and the mainstream. There was an inclusive policy there, which worked for everybody, whatever their needs. Children did not feel different there. The school was also aware of "invisible" needs as well.

iv) Councillor Melissa McGeorge, Member for Pitsea, set out three reasons for the call-in:

- The findings of the Task & finish Group have been disregarded, even though they were ratified by the People and Families Scrutiny Committee.
- In 2010 the County Council demonstrated a need to redevelop the site, along with Glenwood, and planning permission was given by the Development & Regulation Committee in April 2010. Now the timeframe may have changed, with the Government funding going, but the educational and functional need has not.
- A petition bearing 6,577 signatures has been submitted to the County Council; but it has not been received by the People and Families Scrutiny Committee, as per Council Petition Policy.

a) Judith Salter, Head Teacher at Glenwood Special School, confirmed that, following the withdrawal of Glenwood from Wave 4 of the BSF plan, she

had been asked to speak to The Deanes, with a view to using part of its site. However, they were asked to use the existing footprint and this led to a change in attitude in the staff, as it became clear how much the schools had in common. This in turn had led to significant co-operation and common projects, which have been of huge benefit to all at the schools. She was relying on a brave decision that would show that Members were holding on to what must be valued.

- b) Councillor Julie Young, Member for Wivenhoe St Andrew, suggested that this scenario had not played out well for the County Council. Either there was a major governance problem in the past, when the ECC had persuaded the Government of the strength of its case, or there was a problem now. It was now up to Members to make the right decision here. The focus had been on the numbers involved, but she believed that in the process they had lost sight of the opportunity to create something unique for Essex.

The Chairman asked Mrs Salter about the photograph taken for the Echo in March 2011, showing her alongside Councillor Castle and the Headteacher of The Deanes, about how she understood what this meant. She regarded it as a celebration that the County Council had committed to fund the plans that they had originally made, that although it might take a little longer in coming than had been envisaged, the funding was safe.

- v) Councillor Dave Blackwell, Member for Canvey East, summed up his reasons for calling in this decision:

- The Cabinet Member had not considered all the alternatives with regard to the viability of The Deanes. In Councillor Blackwell's view, 600 is not the minimum number required on roll; the school's viability lies in the ability of all parties to work together
- There seems to be no audit trail on how and why any decisions have been made
- The County Council has some responsibility for the reducing numbers at the school – by not encouraging the school to keep itself in good decorative order, etc. First impressions are important to prospective parents and pupils.
- The Government wishes to create a system shaped by parents, where failing schools are closed down quickly, to be replaced by new schools. But The Deanes is not a failing school and this reduces parental choice.

- a) Desi McKeown, Deputy Headteacher at The Deanes, tabled a Report on the future viability of The Deanes School and pointed out that the Task & Finish Group had concluded that the school had a robust business case, based on having 600 pupils on roll, a view endorsed by ECC officers when they reviewed the figures. He added:

- The school had not succeeded in holding meetings with Members, although it did meet two officers recently, one being the Head of Finance. They were unable to confirm whether the figures showed viability, but they indicated that viability is a wider question than merely

a financial one. The school had produced plans based on three scenarios – 1, where the school takes 120 pupils each year; 2, where the numbers have to be built up in several years, reaching an intake of 120 in 2017; and 3, using the figures cited in the Cabinet Report. In all three the budget plan showed no deficit. The school believed that viability should be based not only on finances, but also on the ability to offer a sound education to all the pupils in the school, and the quality of the curriculum at The Deanes has never been an issue.

- The school also considered the wider area data, noting that Southend Borough Council has predicted a shortage of school places in Year 7 in 2017.
- According to the Office of National Statistics, almost 16% of state-funded secondary schools in 2011 had no more than 600 pupils, and over 10% had less than 500; so size is not a pre-requisite.

b) Linda Allport-Hodge, a parent and representative of the Save The Deanes Group, referred to the legislative requirements laid on a local authority to provide “a system shaped by parents.” She pointed out:

- The Parent Group strongly refute the findings set out in paragraphs 3.26 to 3.41 in the Cabinet Report, rejecting the methodology used, as it shows ignorance about parental choice. Recent research has shown that the largest issue for parents is a local school – one to which children can walk, then good facilities, then a good education.
- The Cabinet Report states that the proposal is not related to any other proposal; but the other two schools are involved, as The Deanes cannot close without the children transferring to the those schools. The law states that local parents should be consulted on any major change to an academy, and this was not done; consequently, there has been a processing error here.

vi) Councillor Jamie Huntman, Member for Thundersley, was invited to address the meeting. Before he spoke, the Chairman informed Members that Councillor Huntman was representing Councillor Bayley, who had actually called the decision in but was on leave and unavailable for this meeting. The Chairman pointed out that the Constitution was unclear on this matter, so he was exercising his discretion in allowing Councillor Huntman to represent Councillor Bayley in this way, and he did not intend to set any precedent.

Councillor Huntman referred Members to the Nolan Principles, and in particular Number 5, relating to Openness. He pointed out that:

- The Task & Finish Group made repeated requests for information without success, there was no documentary evidence relating to the initial decision and no audit trail. And these issues were not addressed by Councillor Gooding in his reply.
- As someone new to being a Councillor, he now understands that everything he does is scrutinised; does it seem likely that there would be limited records of the biggest capital expenditure of the time?
- In April 2013, a bid was put in for an ASD hub, but this could only be successful, if the County Council owned The Deanes land (which they

did not at the time); but at the same time, contractors were looking at The Deanes, ready for the rebuild.

- There seemed to be conflicting messages coming from the County Council.
- Why have we only had silence from former Councillor Castle?
- All parties consulted about the proposals agree that there is insufficient evidence to close the school; he courteously requested that the administration pay heed to this fact.

a) Jan Atkinson, Headteacher at The Deanes, spoke to the meeting. She stated that:

- She believed they were chosen to co-locate with Glenwood because of the school's commitment to community cohesion and the positive relationship with Glenwood
- The issue is not about a building, but about achieve something new in breaking down barriers and challenging thinking, as well as providing an Olympic legacy
- Despite achieving a good Ofsted Report, which would allow the school to apply for academy status, the Cabinet Member at the time asked it not to do so, as Essex would provide similar funding as that provided for Passmore's in Harlow.
- The Deanes was asked not to make repairs on the fabric of the buildings, except for where there were health & safety issues, and asked to reduce numbers. She asked for management support, as she was concerned over the numbers. Preparations were being made for the rebuild; then she was informed of the proposed closure.

b) Andy Johnston drew Members' attention to the fact that the County Council needs to own The Deanes land, before it can get the ASD hub. He urged the Committee not to let the school go.

As all evidence on behalf of those making call-ins had been submitted, the Chairman suspended the meeting at 11.30 am.

The meeting reconvened at 11.35 am.

C. Response of Cabinet Member

Councillor Ray Gooding, Cabinet Member for Education and Lifelong Learning, began by emphasising the difficulties involved in making this decision.

He referred Members to Table 7 in the Cabinet Report, which shows the declining cohort size of children, which goes a long way to explaining the falling numbers to date.

Table 10 shows forecast numbers on the roll at The Deanes. The key point to note is that they indicate that the school would struggle to reach 600.

He then responded to the points already made, in order.

Colin Riley acknowledged that in February 2012 there were falling numbers.

Richard Carson suggested there was no compelling case and no significant changes since his predecessor's decision – but the numbers have dropped significantly in the meantime.

The projected housebuilding figures, referred to by Councillors Jill Reeves and Pam Challis, do not add up to sufficient secondary school numbers.

Regarding Rebecca Harris's reference to the school's governing body minutes – some of these minutes refer to the school's concern over falling numbers. And, regarding the suggestion that the school was instructed not to redecorate, the minutes of a meeting at the school (at which no County Council Member or officer was present) held on 21 June 2012, the issue of whether the £75,000 in the budget set aside for upkeep should be used was raised; and the decision was not to spend it on this, but to use it elsewhere, presumably to offset the budget deficit in other areas. (These details are included in the pack.)

Regarding pupil numbers the school has not met the expected level of intake of 180 per year for some time, or 150, the size of the school for which a rebuilt school had been planned. The school is not a small school, but is a half empty school. It has a capacity of 1018 pupils; in 2010 it had 95 spare spaces and in 2013, 418. As an aside, smaller schools tend to be our poorer performing ones.

With regard to Southend and Basildon's position, Southend have made it clear that they do not take The Deanes into consideration; so they should not necessarily be taken into account.

There is a reliance on adjacent areas to populate the school, and those living near to the school tend to make other schools their first choice.

With reference to Councillor McGeorge's points, Councillor Gooding certainly did take the work of the Task & Finish Group into account – even though he did not agree with all of their findings. His task was to balance these recommendations with other ones received and to come to a conclusion that was based on facts and did not depend on any consideration of popularity.

The petition referred to was acknowledged latterly and the issues addressed by it were dealt with by senior officers, as per the petition guidelines.

This was regarded as a co-location with Glenwood not a joining together. The potential for having one of these schools fail could produce a difficult situation.

As for Councillor Blackwell's suggestion that the school's position should be shaped by parents – this is the case to some extent, as parents have not been choosing it as their first school.

Mr McKeown's business plan for 600 pupils is robust, but the issue is whether the school could make that number. Regarding his three scenarios, the third one shows clearly an insufficient budget balance. It acknowledges the reduction in teacher numbers and demonstrates the inability to maintain the school's viability, from a curriculum point of view.

Referring back to comments that have been made in the past, we must focus on the facts as they are at the moment.

It should be pointed out that the proposed rebuild of Glenwood is a separate issue. It was hoped that it might be accommodated on this site; but it had nothing to do with the ownership of the land or the closing of The Deanes. This is a complete fallacy.

a) Sean Hayes, Independent Education Consultant, addressed the meeting.

He confirmed that the Essex pupil forecasting methodologies used were fit for purpose, based on a sound approach, and in many aspects go beyond what might be expected in existing standards of good pupil forecasting.

Mr Hayes listed a number of good features that make the forecasting robust and create a transparent and dynamic model allowing the Council an invaluable degree of strategic overview across a wide range of administrative levels.

The housing impact methodology is also robust. It goes beyond the levels of information of many local authorities. It may tend to be generous in its forecasts.

Generally, the report, as found in the Cabinet paper, was independent; it also contains some suggestions on how the County Council might improve its methodology, as no system is ever foolproof.

The methodology applied to Castle Point is no different to that used in the rest of the county.

The decline in roll has been happening since 2009 and has been accelerating over the years. This decline reflects the decline in the overall number of children living in Castle Point. They suggest that the school roll will not reach 600 in any year from 2014 to 2020, based on the figures, even allowing for the impact of the new housing. The results were also processed through a different model (based on London boroughs), by way of a double check. These suggested that the Essex estimates might be a little generous, but did confirm their overall accuracy.

- b) Dr Tim Coulson, Director for Commissioning: Education & Lifelong Learning, addressed the meeting.

Discussions have been going on since at least 1998 about how an appropriate building can be provided for Glenwood. Had the situation with The Deanes been different, in that had local parents been making it their first choice, the County Council would have been very keen to progress the idea of co-location.

The ASD unit that is being proposed would be an extension of the Glenwood School. As for location, it could either be part of the Glenwood-Deanes campus, or if that were not possible, back at the old Glenwood site. It is not a reason for looking to close The Deanes School, as has been suggested.

With regard to dealing children with special needs from The Deanes, both Appleton and King John have recently been assessed and have been given very good reports on this area.

With regard to socio-economic needs, these two schools come at the top of Essex schools at identifying these needs.

Considering parents' concerns over the future of pupils currently at the school, the Council has to go through two rounds of consultation. Should the closure be agreed, the Council is confident that additional resources will be available to ensure the older group gets through its GCSE successfully. It is also confident that the three schools together will manage the transfer for those in the younger groups.

The Equality Impact Assessment talked particularly about provision for wheelchair users as The Deanes School currently has a wheelchair use. Currently at The Deanes, the school has 16 Statemented students, 3 of whom have physical difficulties, two in their final year and 1 wheelchair user in Y 7.

If the school were to close, additional places will be provided at the two local schools. These schools currently have a strong record with meeting the needs of pupils with a wide range of needs:

- the Ofsted report in September this year said of King John School that 'High expectations and a strong focus on improving teaching and students' learning has had a consistent positive impact over time on the attainment and progress of all students, including those with special needs and those students eligible for pupil premium funding'
- the Ofsted report in the summer this year said of Appleton School that 'The school monitors students' progress very rigorously and uses the data it collects to identify the specific needs of each individual. Classes are arranged at the end of the school day to make good any underperformance. This practice is so effective that disabled students and those who have special educational needs often progress more rapidly than their colleagues, narrowing any gap in attainment between groups of students.'

One concern that has been raised has been that pupils from a range of socio-economic backgrounds and / or with health needs would be met in the

alternative educational establishments.

- King John currently has 31 Statemented students, 5 of whom have physical difficulties, of whom 2 are wheelchair users and others have complex medical needs. The other Statements are a range of Autistic Spectrum Disorder, Behavioural, Emotional and Social Difficulties, Moderate Learning Difficulties, Hearing Impaired, Severe speech, language and communication needs.

- Appleton currently has 40 Statemented students, 4 of whom have physical difficulties. The other Statements are a range of Autistic Spectrum Disorder, Behavioural, Emotional and Social Difficulties, Moderate Learning Difficulties, Severe speech, language and communication needs..

In response to comments made:

- In response to the suggestion that the school was asked to force the numbers down, the governing body's minutes show that the school talked about whether a building designed for 750 might go back up to a design for 900; but it was clear at that point that the numbers would not even get back to 750, so 900 was not sensible.
- Regarding consultations with Appleton and King John, it is not the Council's responsibility to consult about possible changes at academies, but the schools did consult and this was included as part of the consultation information put out in June
- The Council has made use of the changing housing figures provided by Castle Point, changing the figures in the course of the consultation. Table 10 in the Paper shows these. Many of the houses included are on Green Belt land, so the Council has some concerns that the figures may be generous

c) Dave Hill, Executive Director for People Commissioning, gave an overview of the decision-making process.

He pointed out that

- whenever actual expenditure is about to be made on a capital project, a business case is made and put to Cabinet. So, The Deanes case was looked at once again but it was felt that the numbers did not add up. There was no about-turn here; every project is subject to the same process.
- The Government had cancelled the BSF programme at BSF5. This led to a number of projects being cancelled across the County and consequently a number of requests made on the County's own capital programme.
- At about the same time, he arrived at the County Council and made it clear that he thought the balance of spending between mainstream and special schools was uneven.
- When the Cabinet Member was considering The Deanes case originally, Mr Hill gave him clear advice that he considered it to be a marginal one. And then the numbers dropped again in the year before the case went to Council for approval.
- The way in which data is used is the same across the County.

- d) David Finch, Leader of the Council, wished to address three particular issues:
- The Deanes/Glenwood itself. Figures dealing with the funding of this are available to the Committee, which show that it has been on the books since 2009-10. These demonstrate the significant shifts in the amounts of money the Council has considered appropriate for this scheme and also that a significant amount of financial modelling has been applied to it over the years. The statement by Councillor Castle, accompanying his handshake, in March 2011, with the headteachers of The Deanes and Glenwood, was an aspirational one, consistent with the budget he had in place at the time.
 - Although unable to pass judgement on the mathematical ability of Mr Hayes, the Leader drew attention to his pedigree and noted that his findings suggest that the County Council's methodology is not that inaccurate, given the 221 thousand children attending 551 schools across the County.
 - Looking at the capital project itself. Education, along with Highways, takes a significant amount of investment. These capital allocations are built into the overall financial scheme and are not there for officers to spend, but are strictly controlled within the financial regulations; and even the most senior officers are restricted in the amount they are authorised to spend. The Leader requires that all major projects, such as cessation of a school, building of a school and major infrastructure, are submitted to Cabinet for approval, in a wholly open manner.
 - In closing, the materiality here is that in this current economic climate, we cannot let a half-empty school such as this one to continue.

D. Members' Questions

The Chairman invited questions from Members to the Cabinet Member and his witnesses in turn.

a) Councillor Gooding

In response to a question, Councillor Gooding categorically refuted the suggestion that either officers or Members actually instructed The Deanes not to redecorate.

One Member suggested that the Cabinet Member should not make comments about smaller schools without more evidence; and that smaller schools do have a place within a community. In response, Councillor Gooding acknowledged the point, but he pointed out that this school was not small by intent but by lack of parental preference and lack of pupils.

Asked about the future use of the site, Councillor Gooding confirmed that the site would be retained for educational use, possibly for the relocating of Glenwood. He added there was an additional issue of the sports facilities, as it would be good to be able to retain these for the benefit of the local community.

In response to the suggestion that the current state of limbo for the school has driven down the school numbers, Councillor Gooding acknowledged that it would have had some impact, but he pointed out that over the previous three years had seen an average of only 70 preferences for the school. In terms of overall effect it would not be a significant factor.

Councillor Gooding was asked why his predecessor had not been contacted, to which he replied that this was not a matter within his control.

Concerning the weight given to the testimony of those children with special needs who wished to attend The Deanes, Councillor Gooding confirmed that he did give weight to this – in that he wants to ensure that the school they attend gives appropriate support and is in a fit state to do so.

Councillor Gooding confirmed that he was briefed almost immediately on taking up his portfolio and he felt that it was appropriate to review the position, before embarking on a large capital commitment. Asked about how the situation was presented him, the Cabinet Member confirmed that the subject was broached at a regular one-to-one with Dr Coulson, following which a paper was presented to him. In response to the suggestion that this paperwork had not been produced to the Task & Finish Group, as requested, Dr Coulson pointed out that the relevant information had been published in response to FOI requests, and he had proceeded on the assumption that the Group had received information. Mr Hill explained that this issue would have been explored in relatively informal meetings, using the relevant data, most of which has been circulated. This modus operandi is the same for all portfolios.

It was noted that a stated intention of the original proposal was that some of the services provided by the joint project would play a pivotal role in community regeneration and greater social cohesion. Asked whether he believed that there was still this need within the Benfleet area, the Cabinet Member suggested that the need had changed, particularly in respect of the numbers involved.

Asked about the likelihood of action being taken in respect of any other smaller schools in the County in the near future, Councillor Gooding confirmed that action was intended, which would be relevant to local issues.

b) Mr Hayes

Mr Hayes was asked about the likely accuracy of a child yield model used for London boroughs, particularly with the uncertainties created by the extent of Green Belt land. Mr Hayes pointed out that he was not suggesting the London methodology was better or worse than another; it was good for processing similar numbers of children. He also confirmed that the Green Belt had not been a major factor in his own calculations.

Asked on how the rise and fall of the popularity of schools was assessed, Mr Hayes believed that the Essex methodology did take this into account by seeking information from schools and local planning officers; it did not rely solely on arithmetic.

When it was suggested that there was some evidence that a newbuild can raise a school's popularity, Mr Hayes agreed this was so.

In response to a query on Mr Hayes's financial relationship with Essex County Council, he confirmed that he was not employed by the National Foundation for Educational Research, but operated on a freelance basis. He did have a contract with Essex County Council, and this work represented a part of this.

Councillor Butland pointed out that neither the report of Professor Reeves nor that of Mr Hayes was considered by the Task & Finish Group, as these had been submitted after the Group produced its report. Councillor Butland had previously stated that, in his experience, expert witnesses tended to find more credibility in the argument of the people paying them. He wished to make public his apology to Professor Reeves for this, as Professor Reeves had not received any remuneration. In response to this, Mr Hayes confirmed that he was paid by Essex County Council for this report.

Regarding his knowledge of Planning, Mr Hayes confirmed that he had a professional qualification with the Institute of Housing.

Mr Hayes also confirmed that, apart from some external documentation listed in his report, he had used the information provided by Essex County Council.

When one Member referred to the 24% error recorded for the figures over the predictions for the period 2009-13, Mr Hayes pointed out that in his view, not enough cognizance had been made of the reduction in child age population in the Castle Point area.(as per the graph on page 18 of the report.

c) Dr Coulson responded to Members' questions.

Dr Coulson confirmed that he had had much contact with Castle Point, who had provided full planning figure projections for the next 15 years, including some confidential figures that were not ready for general publication. The County Council had utilised these figures in full, and had combined the higher figure with the shorter time frame (ie 10 years).

Asked about the situation of those parents unable to get their children into either Appleton or King John, Dr Coulson confirmed that both schools were both oversubscribed at present, but with the proposed development at these schools, in future all children within The Deanes area would be expected to get places there - although those from further away might not. There would be places for all those currently at The Deanes, including those living in Basildon.

The transition from one school to another may be difficult for some. As soon as the decision is made, the schools will initiate transition arrangements, similar to those coming into play when children move up from primary to secondary school. The starting point from the Council's point of view will be those children with special needs. Ofsted noted that children with special needs do particularly well at Appleton and King John.

Essex have applied for Government funding related to growing the number of 16-year-old places at its schools. In the application for King John, the catchment is given as Castle Point, Brentwood, Basildon and Rochford; why does this catchment area apply in this case? Dr Coulson confirmed that they would expect 6th form pupils to travel further than the general secondary cohort.

Asked when Appleton and King John will be upgraded, Dr Coulson pointed out that would be no upgrade of the kind envisaged as part of the BSF programme. However, if The Deanes closes, both Appleton and King John will receive funding from County to make provision for an extra 150 pupils each.

d) Mr Hill responded to questions.

Mr Hill confirmed that when Councillor Castle was considering the funding for The Deanes, he had advised caution, and, had he known about the photograph, he again would have advised caution. When pressed by another Member on this, who suggested he should have used very strong terms to stop Councillor Castle at the time, Mr Hill pointed out that the numbers were not looking very good at that initial point; if the figures had been very poor at that time, he would have advised that it simply could not go ahead. He added that if Councillor Castle had been sitting in this position, instead of Councillor Gooding, they would still have had to have a similar discussion, on the same basis. In response to a direct question, Mr Hill confirmed that he had a good working relationship with Councillor Castle, as he did with other portfolio holders.

Although we want good facilities in all our schools, Mr Hill did not see a direct correlation between a newbuild school and a popular one; there were a number of factors that affect this. Councillor Butland reiterated the view of the Task & Finish Group, that a newbuild would not of its own accord rescue a failing school; but a newbuild could make a good school more popular.

Regarding the issue of whether The Deanes staff were told not to redevelop the School, one Member sought an explanation of the apparent discrepancy between the two views given. Mr Hill pointed out that the school itself decides on its own routine work; if there is a major problem, then the Council may be sympathetic and help out. In this case, he restated his position, that no such advice was given.

e) Councillor Finch, the Leader, responded to questions.

In response to a query on whether the Council had funds to prop up a failing school, Councillor Finch pointed out that, once the school was built, its revenue would come on the basis of pupil numbers, so whether it thrived or not would depend on its success at attracting pupils.

If the school became an academy before any decision to rebuild was made, then the school would receive separate funding, and the capital would still be available to Essex.

The figures in the schedule he produced today demonstrate that the money has been there and the way it has been rescheduled over the period.

Asked why the school received no warning about the decision, Councillor Finch pointed out that the figures had been declining and so there were warning signs. Also, the crucial time was when the case was looked at before going to Cabinet for approval – this was when the decision was clear.

Asked about his impression of the photo in March 2011, which gave out a strong message that the joint Deanes/Glenwood project was a “done deal”, Councillor Finch pointed out that he had not seen the press release. If he had, he would not have been concerned, as the figures for Deanes were not too bad at that time. So the expectation that the school might not continue did not arise in his mind.

Moving forward to 2012, the budget was being reduced and was under rigorous scrutiny. What was Councillor Finch’s position, as Cabinet Member for Finance? Councillor Finch responded that he would have asked all portfolio holders to prioritise their own budgets. Similarly, the same would apply a year later. He would be looking at the macro capital situation and challenging his Cabinet colleagues over what their investment and capital strategies were. In 2013, the same process would have taken place. His main concern would have been its primary impact on the overall budget. The first time this issue was brought directly to his attention was when the case needed to come before Cabinet for final approval.

E. Members’ Comments and Decision

The Chairman reminded Members that they had three options before them:

- i. Committee to note the call-ins and take no further action
- ii. Committee to refer it back to the Cabinet (as the decision-taker)
- iii. Committee to refer it back to the Council, with a view to the Council referring it back to Cabinet.

The Chairman reminded Members that neither the Committee nor the Council had the authority to make the decision on this.

There followed several comments from Members, who were unanimous in the view that some new evidence had been brought to the Committee and so the matter should be referred back to Cabinet. Some Members believed it should do so via the full Council.

A motion, that the decision should be referred back directly to Cabinet, was proposed and seconded, on the basis of the call-ins. This motion was carried, with 9 votes for and 6 votes against.

The Chairman thanked everyone involved and proposed that consideration of the remaining agenda items should be postponed to the additional meeting on the 5th December. This was agreed.

7. Date of next meeting

The Committee noted the date of the next meeting:
5 December 2013, Committee Room 1, at 2.00 pm.

The meeting closed at 2.25 pm.

Chairman