



DERBY CITY COUNCIL

COUNCIL CABINET
8 June 2010

ITEM 10

Report of the Strategic Director for Children and Young People

Proposal to close Merrill College and re-open it as a National Challenge Trust School from September 2010

SUMMARY

- 1.1 In April 2010 the Council received approval from the Minister of State for Schools and Learners for its proposal to convert Merrill College to a National Challenge Trust school, with Derby College acting as the lead educational partner.
- 1.2 The Minister made this approval conditional on the Council taking action to relaunch the school by closing the existing school prior to immediately reopening within its existing premises as a National Challenge Trust (NCT) School in September 2010.
- 1.3 At his Formal Cabinet Member Meeting on 13 April 2010 the Cabinet Member for Children and Young People approved the commencement of consultation on the re-launch of Merrill College involving statutory closure and immediate re-opening.
- 1.4 A consultation paper on the proposal was circulated to key stakeholders and interested parties including teachers, Governors, parents of pupils, trade unions and ward members. This report covers the outcomes of the consultation and a summary of responses received during the consultation period is set out in Appendix 2. A copy of the consultation document is attached as Appendix 3.

RECOMMENDATION

- 2.1 To approve the publication of a statutory notice, on Monday 14 June, on the proposal to close Merrill College and re-open it as a National Challenge Trust school from 1 September 2010 and simultaneously establish the related Trust.
- 2.2 To approve delegation of authority to the Strategic Director for Children and Young People to forward the proposal to the Schools Adjudicator for a final decision, subject to no objections being received during the statutory representation period. If objections are received it is proposed that these are considered by Council Cabinet prior to making the final decision on whether or not to proceed with the proposal.

REASONS FOR RECOMMENDATIONS

- 3.1 Urgent action is needed to improve Merrill College and the prospects for students. The proposal to re-launch the school through closure and re-opening as a NCT school

has been subject to consultation with all key stakeholders. It is now necessary to consider publication of a statutory notice in order for the proposal to progress to the next stage.

- 3.2 There are clear benefits to be gained in converting Merrill to a NCT as outlined in paragraph 4.8 of this report.

SUPPORTING INFORMATION

4.1 The National Challenge for Secondary Schools

- 4.2 The National Challenge programme was launched in June 2008 as a major initiative to improve standards in all secondary schools. The aim is that by 2011, at least 30% of students in every school will gain five or more GCSEs at A*-C, including both English and mathematics. One of the options available through the programme is the conversion of a school which is below this target to a NCT school, which will have clear and specific plans for raising attainment.

- 4.3 The aim of a NCT is to transform a school's performance and provide a platform for on-going improvement. NCT schools seek to develop a school's strategic leadership through expertise provided by a 'strong education partner'. As with any Trust school, the governing body of a NCT school remains responsible for the day to day running of the school and receives the school's delegated budget. The governing body is the school's Admissions Authority and appoints the school's staff. The influence of the Trust is through the governing body it appoints. In NCT schools, the Trust appoints the majority of governors.

- 4.4 The NCTs which have already been established in Derby between Bemrose and Littleover Community Schools and Sinfin Community and Chellaston Schools have been implemented successfully and promise to lead to improved outcomes for young people in the year's GCSE tests.

4.5 The National Challenge Plan for Merrill College

- 4.6 After disappointing GCSE results at Merrill in 2009, a NCT was proposed between Merrill College and Derby College. Work was progressing towards establishing this Trust but after the formal publication of 2009's GCSE results in November 2009 the DCSF increased its level of concern. 14% of Merrill students achieved 5 A*-C GCSEs including English and mathematics which was the second lowest result of any school in the country. The Council's original proposal was to establish a NCT without closure and re-opening. Having reviewed the situation through an independent person, who interviewed a number of people in the Authority and the school, the DCSF agreed to the Council's Statement of Intent to form a NCT, but with the provision that it incorporated the closure route.

- 4.7 Derby College has been strongly supported by the government and the Council as the preferred partner for Merrill College and is strongly committed to supporting the development and delivery of a National Challenge Trust. There are existing strong links between the College and Merrill in terms of 14-19 provision. Derby College recognises the importance of formalising a long-term relationship with Merrill in order to develop and sustain a wider curriculum geared to the needs of all children, whilst creating opportunities to enhance the expertise of staff. The key areas for their support are; leadership and management (including stronger governance, senior leadership and leadership of core subjects), the quality of teaching and learning in areas of underperformance, and the implementation of a new, robust performance management process.
- 4.8 The successful creation of a NCT will bring about a number of clear benefits for young people at Merrill College;
- The partnership with Derby College would bring the expertise and capacity of a local high-performing educational institution to bear. The NCT will develop robust plans for improved tracking of student performance and for raising attainment
 - Derby College has particular strengths in curriculum provision at KS4 in order to meet the needs of students from disadvantaged backgrounds and with special educational needs
 - Derby College has a very strong record of successful change management and performance management
 - NCT funding of up to £500,000 will be available above the school's normal budget.
- 4.9 By coming together as a Trust, the school and College will be united in their commitment to work together for the benefit of students at the school. This collective approach can lead to new energy and innovation with the key aim being to improve attainment and opportunities for students.
- 4.10 **Consultation on proposed changes**
- 4.11 The proposal that has been consulted on is the closure and re-opening of Merrill College as a NCT school with a new governing body and staffing structure. The aim of the proposed changes would revitalise the school and bring about a brighter long term future for the school and its students.
- 4.12 It is important to note that this is not a final closure of the school and will not lead to removal of school places. The reason for the proposal is that closure and re-opening as a NCT school will meet the Minister's condition and will signal a new start for the school.
- 4.13 The proposals to close and re-open the school and to simultaneously establish the Trust are linked and therefore the closure will only take place if the school is to re-open immediately as a NCT school. If the proposal receives approval, the existing school will close on 31 August 2010 and the new school will open on 1 September 2010. All current students of Merrill College would transfer to the new school at that point and current year 6 pupils due to be admitted in September will still have their place at Merrill College.

- 4.14 If the NCT proposal is approved, the new governing body will be responsible for the school's admission arrangements, which will be in accordance with the Schools Admissions Code. This principle applies to all foundation schools and is the case currently at Merrill College.
- 4.15 A table showing the number of responses received either agreeing or disagreeing with the proposal is set out below.

Do you agree with the proposal?

Type of Respondent	Number of Responses	Percentage of Responses	'Yes I agree with the proposal' (number and % of respondents)	'No I don't agree with the proposal' (number and % of respondents)	Undecided (number and % of respondent)
Parent or carer of pupil at Merrill College (MC)	29	50%	26 (90%)	1 (3%)	2 (7%)
Member of staff at MC	19	33%	5 (26%)	3 (16%)	11 (58%)
Governor of MC	3	5%	2 (67%)	0 (0%)	1 (33%)
Pupil at MC	3	5%	2 (67%)	1 (33%)	0 (0%)
Other interested Party	3	5%	1 (33%)	2 (67%)	0 (0%)
Not stated	1	2%	1 (100%)	0 (0%)	0 (0%)
Total	58	100%	37 (64%)	7 (12%)	14 (24%)

- 4.16 Overall, the majority of responses (64%) were in support of the National Challenge Trust proposal, with 90% of parents agreeing with the proposal. A number of 'undecided' responses were submitted. Most of these were received before the public consultation meeting which was well attended and gave an opportunity to respond to questions.
- 4.17 A number of comments were received in support of the school becoming a National Challenge Trust with Derby College as a strong education partner. The key comments received are summarised in Appendix 2 of this report and a full transcript of comments will be made available to Cabinet members.

OTHER OPTIONS CONSIDERED

5. Consultation has taken place on a proposal to re-launch Merrill College as National Challenge Trust School. If the decision of the Council or the final decision of the Schools Adjudicator is not to approve the proposal, then it is possible that the Secretary of State with responsibility for schools would use his/her powers under the 2006 Education and Inspections Act to instruct the Council to commence a different structural intervention. Given the urgent need to bring about improvement, taking no action is not considered an option.

For more information contact: Name: Mick Seller, Service Director – Learning and Inclusion, Children and Young People’s Department. Email: mick.seller@derby.gov.uk Tel: 01332 716853

Background papers:

Appendix 1 – Implications

List of appendices:

Appendix 2 – Summary of consultation responses

Appendix 3 – Consultation document on closing the school to re-open as a NCT school

IMPLICATIONS

Financial

- 1.1 A NCT school continues to be funded through the agreed funding scheme for schools, as a Foundation School.
- 1.2 As part of the National Challenge initiative there is a grant of £500,000 available to support radical change and improvement at Merrill College. This needs to be spent by August 2011 and will be used to support the implementation of the action plan.

Legal

- 2.1 NCTs exist as foundation schools with a foundation (Trust) acquired under the provisions of the Education and Inspections Act 2006. In the same way as existing Trust schools, NCTs will be Local Authority maintained schools supported by a Trust with charitable status. The foundation (Trust) of a NCT school will appoint a majority of governors to the governing body of the school – and to hold land on trust on behalf of the school. The governing body of the school will continue to be responsible for running the school and will receive the school's delegated budget from the Local Authority.
- 2.2 When opening a new school, Local Authorities are normally required to conduct a competition seeking bidders who wish to express an interest in running the new school. As Derby College has already been identified as the preferred lead educational partner for the NCT, the Secretary of State has agreed to an exemption from this requirement.
- 2.3 Under the Education and Inspections Act 2006, statutory notices are required for any school closure and opening proposals. Subject to Council Cabinet approval, a formal public notice will be published, with a six-week statutory representation period as required under legislation.
- 2.4 Merrill College was rebuilt under a PFI contract and is therefore subject to a 25 year facilities management contract. The view of the Department for Children, Schools and Families is that this should be no barrier to change of governance for the school, but legal advice is being sought on this to ensure smooth transition. It is anticipated that changes will need to be made to existing PFI contracts to reflect the status of the school after closure and reopening along with land and asset transfers. These costs will need to be met from the National Challenge grant.
- 2.5 The Council's final decision to close and reopen the school would need to be ratified by the Schools Adjudicator.

Personnel

- 3.1 A significant aspect of the re-launch will be the restructuring of the school's staffing and the current staff at the school will have the right to apply for jobs in that structure. We want to ensure that we retain good and committed staff members and the restructuring exercise will be conducted in line with agreed processes for the introduction of a new structure and appointment of staff, including union consultation.
- 3.2 Any staff members who do not secure posts in the re-launched school will be assisted in finding alternative employment and compulsory redundancies will be avoided wherever possible.
- 3.3 Teaching staff in NCT schools are contracted under national terms and conditions in common with all other maintained schools in the city. The aim of the partnership with Derby College is to maintain these conditions and furthermore to invest in staff and provide support and development.

Equalities Impact

- 4. The aim of the NCT proposal is to significantly raise achievement, impacting particularly on those not attaining the minimum levels.

Corporate objectives and priorities for change

- 5. The proposal supports the Corporate Priority of building ambition, aspiration and achievement in the city's young people.

Appendix 2

Summary of responses to the proposal to close Merrill College in order to re-open as a National Challenge Trust School

A table showing the number of responses received either agreeing or disagreeing with the proposal is set out below.

Do you agree with the proposal?

Type of Respondent	Number of Responses	Percentage of Responses	'Yes I agree with the proposal' (number and % of respondents)	'No I don't agree with the proposal' (number and % of respondents)	Undecided (number and % of respondent)
Parent or carer of pupil at Merrill College (MC)	29	50%	26 (90%)	1 (3%)	2 (7%)
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Other interested Party	3	5%	1 (33%)	2 (67%)	0 (0%)
Not stated	1	2%	1 (100%)	0 (0%)	0 (0%)
Total	58	100%	37 (64%)	7 (12%)	14 (24%)

Key comments

In addition to indicating whether or not they supported the proposal, some of those who responded also made comments on the proposal. A summary of the key issues raised is provided below and a full transcript of comments will be made available to Council Cabinet. Comments and queries were also raised at the public consultation meeting on 19 May and minutes of the meeting will also be made available to Council Cabinet.

Community

When the school re-opens, an aim should be to continue to work with the local community and engage with parents and carers to support their children and their education.

Derby College

A number of responses were positive about the proposal for Derby College to be the 'strong education partner' for Merrill College.

Personnel

Support for the Headteacher was expressed along with concern that some of the best teachers may leave due to uncertainty.

Positive publicity

An aim should be to create a more positive image of the school in the local press. This could positively impact on pupils and parents.

Rewarding pupils

Further work should take place to reward pupils who have produced good work to ensure they feel valued. Disruptive pupils should be taken out of lessons as quickly as possible to prevent lessons being ruined by a small number of pupils.

Uniform

A number of responses from parents indicated that they would not support a new school uniform. It was suggested that the current policy on uniform could be more strictly enforced.

Consultation Document



DERBY CITY COUNCIL

Public Consultation: Proposal to close Merrill College and re-open as a National Challenge Trust School from September 2010

1. Derby City Council has recently announced a proposal to re-launch Merrill College through the closure and re-opening of the school as a National Challenge Trust (NCT) school. The reasons for this proposal are as follows:
 - Achievement in the government's key measure for secondary school achievement, the percentage of young people attaining A* to C grade in 5 GCSEs including English and Mathematics, has been low for a number of years. This affects the life and work prospects of students when they leave school.
 - Currently, the school is achieving below the Government threshold of 30% of students achieving 5A*-C including English and Mathematics.
 - Significant additional support is needed to bring about the necessary improvement.
2. Urgent and more serious action is therefore needed to improve the school and the prospects for students. The Department for Children, Schools and Families agrees with this view and only gives limited time for schools to achieve certain standards.

What is a National Challenge Trust School?

3. The National Challenge programme was launched in June 2008 as a major initiative to improve standards in all secondary schools. The aim is that by 2011, at least 30% of students in every school will gain five or more GCSEs at A*-C, including both English and mathematics. One of the options available through the programme is the closure of a school which is below this target and re-opening it as a new NCT school, which will have clear and specific plans for raising attainment.
4. The aim of a NCT is to transform a school's performance and provide a platform for on-going improvement. NCT schools seek to develop a school's strategic leadership through expertise provided by a 'strong education partner'. As with any Trust school, the governing body of a NCT school remains responsible for the day to day running of the school and receives the school's delegated budget. The governing body is the school's Admissions Authority and appoints the school's staff. The influence of the Trust is through the governing body it appoints. In NCT schools, the Trust appoints the majority of governors.

5. Further information on the National Challenge programme can be accessed on the Department for Children, Schools and Families website by using the following link:
<http://www.dcsf.gov.uk/nationalchallenge/>

The website includes information on case studies and frequently asked questions.

What is the proposal?

6. The proposal is to close Merrill College and immediately re-open it as a NCT school with a new governing body and staffing structure. The aim of the proposal is to revitalise the school as quickly as possible and bring about a brighter long term future for the school and its students. The proposed 'strong education partner' for Merrill College is Derby College. Derby College has been judged "outstanding" in many aspects of their provision by Government inspectors and the NCT arrangement will enable Merrill and the College to build on, and strengthen, existing links.
7. Through this paper, Derby City Council is consulting on the relaunch of Merrill College by closing and immediately re-opening the school as a NCT School. **Please let us know your views using the form attached to this document. The closing date for comments is Friday, 28 May 2010. A public consultation event will take place on Wednesday, 12 May 2010 at 7pm at Merrill College.** Your views are important and all comments received will be carefully considered.

Why Derby College?

8. Derby College is a valued, respected and very successful local education provider that already works in partnership with the city and shares similar values. The College is the most significant provider of post-16 education in the city and achieved outstanding grades for its 'Capacity to Improve' and for 'Preparation for life and work' in its recent OFSTED inspection. It also received Good grades in all other categories.
9. By coming together as a Trust, the school and College will be united in their commitment to work together for the benefit of students at the school. This collective approach can lead to new energy and innovation with the key aim being to improve attainment and opportunities for students.

Why is the Council making this proposal?

10. An important point to make is that this is not a final closure of the school, or removal of school places. The reason for the proposal is that closure and re-opening as a NCT school will signal a new start for the school. The whole package of closing and re-opening as a NCT school will secure additional resources and support which would not otherwise be available to the school. Derby College has been judged "outstanding" in many aspects of their provision by Government inspectors and we believe that there will be many benefits for students in Merrill College having Derby College as a partner.
11. We want to ensure that the school becomes more highly regarded across the area it serves. We believe that the proposal to close the school and re-open as a NCT school should help with this. We are determined that the needs of the current students at Merrill will continue to be met during the re-launch process. If the

proposal is approved, all current students on roll at Merrill College will transfer to the new NCT school.

Proposed composition of the School's Governing Body

12. The proposed composition of the new governing body would be;
 - a. 1 elected parent governor
 - b. 2 Local Authority governors
 - c. 3 staff governors [one elected teacher, one elected member of support staff and the head teacher].
 - d. 2 community governors who would be appointed by the governing body
 - e. 9 foundation governors who would be appointed by the National Challenge Trust of whom 5 must, at the time of their appointment, be eligible for election or appointment as parent governors.

Admission Arrangements

13. If the NCT proposal is approved, the new governing body will be responsible for the school's admission arrangements, which will be in accordance with the Schools Admissions Code. This principle applies to all Foundation schools and is the case currently at Merrill College.

Staffing Arrangements

14. A significant aspect of the re-launch will be the restructuring of the school's staffing and the current staff at the school will have the right to apply for jobs in that structure. We want to ensure that we retain good and committed staff members and the restructuring exercise will be conducted in line with agreed processes for restructuring and appointment of staff, including union consultation.
15. Any staff members who do not secure posts in the re-launched school will be assisted in finding alternative employment and compulsory redundancies will be avoided wherever possible.
16. Teaching staff in NCT schools are contracted under national terms and conditions in common with all other maintained schools in the city. The aim of the partnership with Derby College is to maintain these conditions and furthermore to invest in staff and provide support and development.

Next Steps

17. A public consultation event will be taking place on Wednesday, 12 May 2010 at 7pm at Merrill College. The six-week consultation period for responses to this consultation will end on Friday, 28 May 2010. The outcomes will be reported to Derby City Council's Cabinet for consideration and a decision taken on whether to progress to the next stage of the consultation process. Subject to Council Cabinet approval, a formal public notice will be published, with a further six-week statutory representation period as required under legislation.

18. Following the statutory representation period, Council Cabinet will take a decision on whether or not to proceed with the re-launch. The Schools Adjudicator will then take the final decision on the proposals to close Merrill College and re-open it as a NCT school, having regard to any representations made in response to the statutory notice. The proposals are linked and therefore the closure will only take place if the school is to re-open immediately as a NCT school. If the proposal receives approval, the existing school will close on 31 August 2010 and the new school will open on 1 September 2010. All current students of Merrill College would transfer to the new school at that point.

What happens if a National Challenge Trust is not adopted for Merrill College?

19. If the final decision of the Council, or of the Schools Adjudicator, was not to approve the conversion of Merrill College to a National Challenge Trust through the proposed closure route, then it is possible that the Secretary of State with responsibility for schools would use his/her powers under the 2006 Education and Inspections Act to instruct the Council to commence a different structural intervention, for example conversion to academy status.

Contact Information

20. If you have any queries regarding the proposal, please contact Hayley Millward, School Place Planning Officer, Children and Young People's Department by email: hayley.millward@derby.gov.uk or by writing to Middleton House, 27 St Mary's Gate, Derby, DE1 3NN.

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 716827, minicom: 01332 716709.

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.
Prosimy o kontakt: 01332 . 716827 . Tel. tekstowy: 01332 716709

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ 01332 716827 ਮਿਨੀਕਮ 01332 716709 ਤੇ ਸੰਪਰਕ ਕਰੋ।

01332 716827 یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم
منی کام 01332 716709 پر ہم سے رابطہ کریں۔

Closure of Merrill College to re-open as a National Challenge Trust School in September 2010 - Consultation Response Form

We are very interested in your comments on this proposal. Please use this response sheet to let us know your views. The consultation closing date is Friday, 28 May 2010.

Do you agree with the proposal for the Closure of Merrill College to re-open as a National Challenge Trust School in September 2010?

Yes ☐ No ☐ Undecided ☐

Are you? (please tick all that apply)

- Parent / Carer of a student(s) at Merrill College ☐
- A member of staff at Merrill College ☐
- A Governor of Merrill College ☐
- A student at Merrill College ☐
- Other interested party ☐

Do you have any comments you would like to make about the proposal?

Signed.....

Date.....

Completed forms to be returned to Hayley Millward , Children and Young People’s Department, Middleton House, 27 St Mary’s Gate, Derby DE1 1NN or E-mail: hayley.millward@derby.gov.uk

Continuation sheet...