



DERBY CITY COUNCIL

COUNCIL CABINET
27 July 2010

Report of the Strategic Director for Children and
Young People

ITEM 10

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 Consultation took place with all stakeholders on the proposal between 19 April and 28 May. The outcome of that consultation was reported to Council Cabinet on 8 June 2010 and Cabinet approved the publication of a statutory notice on the proposal which marked the start of a further six-week statutory representation period.
- 1.4 The six-week statutory representation period comes to a close on 26 July and, to date, no objections have been received. If any comments or objections are received following the circulation of this report, they will be reported at the Cabinet meeting. This report seeks Cabinet approval to move to the next stage of the process which includes a request to the Schools Adjudicator to take a final decision on the Merrill College NCT proposal. If the proposal is agreed it will be implemented on 1 September 2010. A timeline for the proposal is attached as Appendix 2 to this report.

RECOMMENDATION

- 2.1 To approve progressing to the next stage of the Merrill College National Challenge Trust proposal, including a request to the Schools Adjudicator to take a final decision on the proposal.

REASONS FOR RECOMMENDATIONS

- 3.1 Urgent action is needed to improve Merrill College and there are clear benefits to be gained in converting Merrill to a NCT as outlined in paragraph 4.8 of this report. 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. As reported to Cabinet on 8 June, the majority of the consultation responses (64%) were in support of the proposal. A further six week statutory representation period will come to a close on

26 July and to date no objections have been received. It is now necessary to consider requesting a final decision on the proposal by the Schools Adjudicator.

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 Sinfyn 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 Department for Education (formerly Department for Children, Schools and Families) 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 Department for Education 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 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.
- 4.10 **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. Initial consultation took place with all stakeholders including parents, pupils, governors and staff between 19 April and 29 May. Overall, the majority of responses (64%) were in support of the National Challenge Trust proposal, with 90% of parents agreeing with the proposal.
- 4.12 Following the initial consultation period, Cabinet approved the publication of a statutory notice marking the start of a further six week representation period. That representation period began on 14 June 2010 and will end on 26 July 2010. To date, no comments or objections have been received in response to the notice. If any objections are received following the circulation of this report they will be reported at the Cabinet meeting. Subject to Cabinet approval at this meeting, a request will be made to the Schools Adjudicator to take the final decision on the Merrill College NCT proposal. If the proposal is agreed, it will be implemented on 1 September 2010. A timeline for the proposal is attached as Appendix 2 to this report.

OTHER OPTIONS CONSIDERED

5. 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.

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Background papers:

Appendix 1 – Implications

List of appendices:

Appendix 2 – Timeline for proposal

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, a statutory notice is required for any school closure and opening proposal. Following Council Cabinet approval, a formal notice was published on 14 June, with a six-week statutory representation period as required under legislation. This statutory representation period comes to a close on 26 July 2010
- 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 Education 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 final decision to close and reopen the school will 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.



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Merrill College – Consultation on the closure of the school linked with opening as a National Challenge Trust School
Proposed timetable for the statutory process

The timeline below sets out key dates for the proposed closure and reopening of Merrill College as a National Challenge Trust School by 1 September 2010.	
Request Cabinet member approval to commence consultation	13 April 2010
Consultation on school re-launch and establishment of Trust (6 weeks)	Starts 19 April 2010 Ends 28 May 2010
Exemption from competition granted by Secretary of State	May 2010
Request Cabinet approval to publish statutory notices	8 June 2010
Publish statutory proposals for school re-launch and establishment of trust [<i>Cabinet call-in exemption approved</i>]	Starts 14 June 2010 Ends 26 July 2010
Request Cabinet approval on re-launch of Merrill College as a NCT school	27 July 2010
Schools Adjudicator to take final decision on proposal	August 2010
Implementation date	1 September
PFI contracts amended. Relevant land and assets transfers completed	September 2010 to November 2010