



Scrutiny Review

Hastings and Rother Post-16 Reorganisation

A Report by the Scrutiny Review Board

June 2004

Contents

Summary Report	3
Introduction	3
Methodology.....	3
Evaluative Framework.....	3
Clarifying the Strategic Review Process	3
The Balance Sheet	4
Meeting the yardstick of the Sedley requirements	5
Overall Conclusion.....	5
Appendix to the Summary Report	6
Background	6
Establishing the Context.....	7
Judgement	8
Witness Sessions.....	9
Assessing the early stages - Preparation and Planning	9
Judgements.....	11
Assessing the Informal Consultation Phase	11
Judgement	13
Assessing the Formal Consultation Phase.....	13
Judgements.....	16
Overall Conclusion	16
The Review Board.....	16

Terms used in this report:

Board	The Scrutiny Review Board
Cabinet	The Cabinet of East Sussex County Council
DfES	Department for Education and Skills
ESCC	East Sussex County Council
FE	Further Education
Joint Review	The Strategic Area Review of post-16 provision in the Hastings and Rother area conducted by the LSC and LEA working together
KPMG	Management consultants working for the LSC
LEA	Local Education Authority
LSC	Sussex Learning and Skills Council

Summary Report

Introduction

1. The scope of this report is the process of the planning and consultations undertaken by the Joint Review Board established by the LSC and the LEA to conduct a strategic area review of post-16 education in Hastings and Rother.
2. This scrutiny process carried out by the scrutiny review board (the Board), as directed by the Scrutiny Committee for Education and Libraries, has been formative not summative.

Methodology

3. The Board identified the statutory and advisory context set by the guidance issued by the DfES and the national Learning and Skills Council.
4. It tracked the history of the inception of the Strategic Area Review and the discussions leading to the Hastings and Rother area being selected. The Board received very full cooperation from both the LSC and the LEA in all its requests for information, documentation and evidence.
5. The Board monitored, but did not look at in detail, the evidence from responses during the phases of the Joint Review. This included:
 - written and other responses
 - public meetings
 - other meetings for specific stakeholder groups
 - direct communications with the Board
6. The Board also conducted a series of witness sessions and these are listed in the appendix to this summary.

Evaluative Framework

7. The Board adopted as an evaluative framework the Sedley requirements for public consultations. See appendix paragraphs 13-20.
8. According to the Sedley requirements a public consultation must be able to demonstrate that it has met four criteria:
 - consultation must be at a time when the proposals are still at a formative stage;
 - the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
 - adequate time must be given for consideration and response;
 - the product of consultation must be conscientiously taken into account in finalising any proposals.

Clarifying the Strategic Review Process

9. The Board identified three distinct phases in the strategic area review. The first and second of these phases overlapped in time, though not in function, and this

has caused some confusion and misunderstanding among stakeholders which is explored more fully in the appendix. The three phases were:

- a) **Preparatory and Planning** – information gathering and analysis of performance evidence, developing the options and initial modelling of proposals, feasibility study reports from KPMG. This led up to and included the announcement of the Strategic Area Review in February 2002 and the ongoing work of modelling and feasibility studies.
 - b) **Informal Consultation** – this began in December 2002 with the first of the 16+ Updates. A critical point in this process was the Cabinet meeting of 23 September 2003. (Appendix paragraph 41)
 - c) **Formal consultation** – this began on 27 February 2004 with the publication of the formal consultation document *Opportunity and Excellence for All* and ended in June 2004.
10. The overall process involved was the reduction from the initial nine options to the one option finally recommended to the Cabinet and LSC.

The Balance Sheet

11. In coming to a view of the validity of the consultation process the Board drew up a “balance sheet” setting out the positives they had identified in terms of the consultation process and the areas where they felt the process could have been handled better.
12. On the positive side:
 - The LSC/LEA Joint Review Board followed the statutory and advisory guidelines.
 - There was an openness to, and an acceptance of, this scrutiny process within both LEA and the LSC.
 - There was an assiduous pattern of monitoring, logging and responding to the reactions from stakeholders and the public.
 - There was a well organised programme of meetings with members of the public and specific stakeholder groups at a variety of times and venues.
 - There was wide coverage of different groups and institutions in the consultation which eventually included primary schools and current students in the schools and colleges involved.
 - The Joint Review Board listened to what people were saying and accommodated comments and suggestions particularly following the Cabinet meeting of September 2003 where the three key issues of raised standards and increased participation, secure funding and reaching an accommodation with the 11-18 schools in Hastings were identified.
 - Good work continued towards achieving such an agreement during the final stages of the consultation when an emerging convergence between the Federation proposal (put forward by a group of Hastings schools) and the main proposal was observed.
 - There was detailed financial planning and modelling audited by the national LSC. Feasibility studies were conducted which covered locations, transport issues, staffing, management and governance structures.

13. On the negative side:

- Stakeholders, particularly in schools, perceived that the agenda for the review was being driven by a Further Education mindset from within the LSC.
- The handling of the first confidential KPMG report and the air of secrecy surrounding it led to mistrust amongst stakeholders and the public.
- A failure to gain agreement with stakeholders on the necessity for change **before** seeking to explore options led to a breakdown of trust.
- The distribution of the consultation documents was inefficient. The 'pupil post' used for the early stages has well-known weaknesses and the Post Office itself failed the Joint Review in its very slow delivery of *Excellence and Opportunity for All*. There was a mistake made in the addressing of this consultation document, which was sent to pupils rather than their parents or carers.
- The presentation and delivery style of some of the public meetings was variable in its effectiveness and left some people present feeling that the content was remote from their concerns.

Meeting the yardstick of the Sedley requirements

14. The Board believes that the requirements have been met as follows:

1	Consultation must be at a time when the proposals are still at a formative stage.	Met
2	The proposer must give sufficient reasons for any proposal to permit intelligent consideration and response.	Met, with reservations about the first KPMG report
3	Adequate time must be given for consideration and response	Met
4	The product of consultation must be conscientiously taken into account in finalising any proposals.	Met

Overall Conclusion

15. Despite the shortcomings and flaws outlined in this report the scrutiny process has not brought to light any matter that could be regarded as fundamentally invalidating the consultation process. Subject to the outcome of the process meeting the robust criteria set by Cabinet in September 2003 the Board believes that the plans should proceed to the next stage.

Appendix to the Summary Report

Background

1. The Sussex Learning and Skills Council (LSC) and the Local Education Authority (LEA) are undertaking a Strategic Area Review (Joint Review) of post-16 education provision in the Hastings and Rother area. The Strategic Area Review began in February 2002 when proposals to link three new colleges with the almost complete Bexhill College were announced. The idea was to form a single structure with one management board. The proposals divided opinion, particularly as they would mean the end of sixth form education in Hastings and Rother. Under notification of urgent matters, the July 2003 meeting of the Education and Libraries Scrutiny Committee considered the concerns members of the committee had about this Joint Review. The committee initiated its own review to scrutinise the consultation process of the Joint Review. The scrutiny review board (the Board) comprised Jeremy Taylor, Director of Education, Diocese of Chichester, Councillor John Garvican and Sarah Maynard, Parent Governor Representative on the Education and Libraries Scrutiny Committee. The scrutiny committee chose the Board members for their neutrality.
2. The Board assessed the recent history of the Hastings and Rother Post-Sixteen review to establish the context for the current scrutiny review. It gathered evidence to support judgements about the effectiveness of the Joint Review in consulting with stakeholders and responding to their views.
3. The scrutiny review examined the procedures for establishing and conducting the review of post-sixteen provision, the process of informal consultation and the formal consultation phase. It has not considered the relative merits of the models for reorganisation explored by the LSC/LEA Joint Review. The scrutiny review extended from July 2003 to the Cabinet meeting of 29 June 2004, where the Joint Review presented its proposals.
4. A DfES Circular 03/06 giving guidance for conducting Strategic Area Reviews indicates that the process comprises seven activities. These activities may be carried out in full or in part, consecutively or concurrently and may be planned by geography, sector or theme but must cover the local area in its entirety. The seven activities are:
 - preparatory and planning work
 - information gathering and analysis
 - developing and appraising strategic options
 - appropriate local consultations
 - publishing outcomes
 - implementing outcomes
 - evaluating the process and outcomes
5. The scope of this scrutiny review covers the first four of these activities.
6. The next stage of the Joint Review, which is outside the scope of this scrutiny, is the publication of the formal proposal and the period for statutory objection.

Establishing the Context

7. The Board conducted an extensive review of the existing cabinet papers relating to the establishment of the Hastings and Rother Strategic Area review and the partnership with the LSC. The board also reviewed two guidance documents:
 - the DfES guidance, School Reorganisation Proposals by the Learning and Skills Council (DfES/0280/2003) and
 - the National Learning and Skills Council guidance document Strategic Area Reviews, Arrangements and Guidance (Circular 03/06).
8. The LSC takes an area-based approach to learning and may require providers to reorganise to meet the identified needs of all post-sixteen learners in the best way for each area. It has responsibility for planning, funding, monitoring and improving the quality of post-sixteen learning and Further Education. There is a formal requirement on all LSCs to review the provision in their area, and to determine how well it meets the needs of learners, employers and the community. A recent Ofsted inspection reported that the Sussex LSC provided good Guidance and Support and outstanding Leadership and Management.
9. The LEA may provide post-16 education in school sixth forms or in freestanding sixth form colleges. In doing so it must have regard to the strategic plan of the Learning and Skills Council for its area. The LEA also has a duty to promote high standards in schools, and to prepare an Education Development Plan that explains how it will work with the schools to achieve improvements. In order to fulfil its strategic functions, the LEA should therefore keep under review the overall pattern of provision in its area. In respect of post-sixteen provision the LEA has a statutory responsibility to work in partnership with the LSC.
10. This Strategic Area Review has been jointly planned and managed by the LSC and East Sussex County Council. A project board has managed the progress of the review, and a project team of officers has worked with consultants from KPMG on the underpinning work and consultation process.
11. Although the LSC is not an elected body its efforts to hold a full consultation in the public arena have been actively supported by the LEA. The involvement of this scrutiny exercise has been welcomed.
12. The Board acknowledges that the spirit of consultation is as important as the form it takes. Throughout this report **consultation** is taken to mean a process during which opinions are sought and heard and comments or objections are answered or accommodated.
13. The Board looked at the requirements of adequate consultation as discussed in the *Judicial Review Handbook, 3rd Edition, by Michael Fordham*. Adapted from that, the following guidelines are included to give the wider legal context for the consultation exercise undertaken by the LEA and LSC. The Board has used proportionality as the yardstick against which to make its judgements about the impact of any flaws identified.
14. The Sedley Requirements formulated by Mr Stephen Sedley QC in 1994 during a case involving the London Borough of Brent are a useful summary of conditions to be satisfied by the review process.
15. The Sedley Requirements suggest:
 - consultation must be at a time when the proposals are still at a formative stage;

- the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
 - adequate time must be given for consideration and response;
 - the product of consultation must be conscientiously taken into account in finalising any proposals.
16. The list below is a selection of judgements *shown in italics* about other consultations relevant to the Hastings and Rother review. After each case summary the Board have made observations on its relevance to the scrutiny review.
17. ***North and East Devon Health Authority*** - *consultation must be undertaken when proposals are still at a formative stage. It must include time to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.* The secondary heads in Hastings and Rother said they had not been given enough time to prepare their response.
18. ***Dagenham London Borough Council*** - *consultation axiomatically requires the candid disclosure of the reasons for what is proposed.* Therefore the confidential nature of the original KPMG report may be said to be a flaw in the basis of consultation. More consideration should have been given to the publication of the revised KPMG and other consultants' work in summary form to the stakeholder groups.
19. ***Richmond upon Thames London Borough Council*** - *a misleading consultation paper rendering the consultation process flawed.* This underlines the importance of accuracy of any information documents. The October 2003 16+ update (page 1) contained the phrase: "the Cabinet must be certain the proposals will raise standards". This could have been taken to imply that the proposals would *guarantee* to raise standards and thus might have given a misleading impression.
20. ***Association of Metropolitan Authorities*** - *in any context the essence of consultation is the communication of a genuine invitation to give advice and a genuine receipt of the advice.* This definition may be useful in making a judgement about the consultation process where a dispute has arisen between the LEA and LSC partnership and any of the stakeholders. For example the evidence of the Head of William Parker School, on 23 October 2003 to the Scrutiny Board, challenged how genuine were the initial conversations between the LEA and the Hastings Heads of schools with sixth forms. His view is at odds with the oral evidence of the Director of Education on the same date.

Judgement

The Board is satisfied (with the reservations noted above and elsewhere in this report) that the Joint Review has complied with the guidance from the DfES and the National Learning and Skills Council on the proper conduct of the strategic area review.

Witness Sessions

21. The Board identified relevant witnesses and conducted interview and consultation sessions with key players in the Hastings and Rother review and with other stakeholders. These included:
 - Lead Member, Education and Libraries, ESCC
 - Director of Education and Libraries, ESCC
 - Assistant Director Strategic Planning, Education and Libraries, ESCC
 - Chief Executive, LSC
 - Head of Strategic Reviews, LSC
 - Director of Strategy and Standards, LSC
 - Two representatives from the Hastings and Rother headteachers group
 - Chairs of governors from William Parker, Helenswood and Hillcrest schools
 - Councillor Field representing the Liberal Democrat Group and Councillor Kramer representing the Labour Group
22. The Chair and Chief Executive of the Sussex LSC gave a presentation to the full scrutiny committee.

Assessing the early stages - Preparation and Planning

23. The relationship between the LSC and the LEA has been perceived by the participants to be harmonious from the start. It was a joint decision to engage in the review process. From the outset they reported a spirit of partnership and cooperation leading to open exploration of difficult issues. The Director of Education requested that the Hastings and Rother area be given high priority for a strategic review. Although the Joint Review Board started with a numerical bias towards the LSC, this was later adjusted to achieve a more balanced membership.
24. The LSC recruited many of its staff from the Further Education sector and inherited thirty staff from the Sussex Training and Enterprise Council. It is therefore not surprising that the LSC targets are congruent with the values of Further Education. Although the LSC instinctively has a Further Education agenda, it claims that this was never imposed on the agenda of the Joint Review Board. However, a speech given by the Chief Executive, at the London Institute of Education, in December 2002 engendered the suspicion among some that the outcome had already been decided. When the Chief Executive of the LSC spoke to the Hastings Business Community in January 2003, a tertiary option was presented as the clear favourite.
25. A significant element of the stakeholder mistrust surrounding some aspects of the strategic area review has arisen from the first report prepared by KPMG which examined current provision and outlined options. The LSC funded the original report and both consultants and consultees accepted that the findings would remain confidential. This confidentiality in the early stages meant that people were able to give their views freely and frankly when under other circumstances they may not have wished to do so. However, neither heads nor governors saw the original KPMG report in full and so it was not possible for them to challenge it in any effective way. The original report has not been made available although a revised version, without the confidential evidence, appeared later. This secrecy and the belief that the report contained flawed

statistics damaged the credibility of the early stages of the informal consultation.

26. This has had two negative consequences. Firstly, there is a view among some schools that what was missing at that stage was clear evidence to back up the claims of underachievement in Hastings and Rother sixth forms. Secondly, the resulting sense of threat that schools have felt has been underestimated within the review process.
27. The first newsletter informing parents of the proposals was distributed by pupil post in December 2002 with copies being available in libraries, leisure centres and other public buildings. Articles appeared in the local press and there were four local meetings. Three of these took place in schools and, recognising the importance of the issue, a fourth took place in a leisure centre. The flow of information from the LSC about the review has been copious throughout. Written responses were invited at the local public meetings and in the newsletters.
28. The LSC believes that the written responses were not fully representative of the whole range of opinion and that specific interest groups were using form letters as many of the responses contained the same information and comments in exactly the same wording. However, in this Board's view, such a standard pre-prepared letter cannot be proven to be worth less than an independently drafted one. The Board recognises that the high levels of functional illiteracy in Hastings and Rother need to be taken into account. On the LSC's own figure, adult illiteracy in Rother District as a whole is 25% and the figure is probably higher in Hastings. In the light of this local need the Joint Review Board should be praised for their decision to host a series of public meetings and more informal opportunities rather than consulting only through written media.
29. Not surprisingly, most opposition has come from within those schools which would lose their sixth forms. However, at the beginning of the process, all twelve headteachers agreed that the status quo could not be maintained. In 1997, the then Director of Education, David Mallen, said that a review was in the offing. It was agreed that there needed to be a review because results in post-16 examinations for the previous twelve years had been poor compared with the rest of the county and nationally.
30. An agenda for change had been set out in a paper to Cabinet in July 2001. The paper recommended encouraging cooperation between schools and supporting schools in raising standards. The joint sixth form arrangement between William Parker and Helenswood was held up as an example of good practice.
31. The Board believes that the 11-18 schools could be forgiven for thinking on the basis of this paper and its key principles that their sixth forms were safe. They were expecting support for joint strategic planning and more investment in Level 2 provision. However, there has been a later shift to an argument that it is the poor performance of the schools that drives the decision to plan a new pattern of provision and organisation for post-sixteen education.
32. In early 2002 the LSC made it clear that they too accepted that maintaining the status quo was not an option that could be supported. However there was some misunderstanding about what this actually meant. The perception of the heads from Hastings and Rother was that a blanket removal of sixth forms was not being considered.
33. The heads of the Hastings schools reported that they had not appreciated that the informal information and opinion seeking process during January, February

and March 2003, was a developmental stage. Its purpose was to inform the process of formal consultation following the publication of the preliminary notice. They said they had to press to have their views heard and that they had not been given enough time to prepare their response. The heads and their Secondary Heads Association consultant, paid for by the LSC, felt they laboured under the additional pressure of running their own schools as well as compiling a response.

34. The early information and opinion gathering phase did not generate a wide response. Only a small number of schools took up the offer from the LSC to meet with school councils. The Board did not find evidence of specific interaction with the primary schools in Hastings and Rother at this stage. Public meetings in the spring term 2003 were publicised in the review newsletter and in the local press. The public meeting in Hastings attracted around 120 people.

Judgements

The decision to keep the first KPMG report confidential led to significant mistrust in the early stages. The Joint Review Board has acknowledged this.

It should have been demonstrated more clearly that the LEA and the LSC were consulting on a sound and agreed basis.

Assessing the Informal Consultation Phase

35. This Board believes the LSC initiated attempts to gather the views of a wide range of stakeholders during the informal consultation phase. However, those who gave their views and opinions assumed they were being consulted in a more formal sense, not just being asked to give their views and opinions. The LSC believed they were canvassing opinion and views in order to inform the proposals which would then be subject to consultation more formal consultation. This distinction was not successfully communicated. In this scrutiny review we refer to this phase as the **informal consultation** phase.
36. This scrutiny review calls the phase of the review following the publication of the preliminary notice, the booklet called *Opportunity and Excellence for All*, the **formal consultation** stage, recognising that there is a consultation response form included with the booklet.
37. The LEA had endeavoured to ensure that all interest groups had been consulted. Every letter and e-mail received by the Lead Member for Education was logged and received a reply. Each letter or e-mail was also considered by the Head of Strategic Area Reviews for the LSC and by the Principal Manager, Development Planning for the LEA.
38. Newsletter 4, '16-plus update', September 2003, was sent to parents of children in secondary schools and primary schools by pupil post. Families said that they had not received the information and the Joint Review Board accepts the failings of pupil post in being able to guarantee 100% coverage. Later, learning from this, the Joint Review Board used the Post Office to deliver the brochure containing the preliminary notice and announcing the start of the formal consultation phase. However, this also encountered a significant number of difficulties.

39. The Joint Review tried to reach a wide range of stakeholders. Included in the informal consultation were:
 - meetings with primary heads
 - a presentation to secondary school governors
 - consultation with employers and employment agencies
 - presentations in supermarket foyers and leisure centres
 - a meeting with student union representatives at Bexhill FE College.
40. The LSC established an audit trail of the responses made during the informal consultation. This evidence has been made freely available to this Board and it is satisfied that responses from all stakeholder groups were represented.
41. The commentary on the proposals presented to the Cabinet on 23 September 2003 by the Director of Education and the caveats put on the decision to adopt the proposed preferred option reflect the general concerns raised by many stakeholders during the informal consultation stage. The minute of the meeting demonstrates an awareness of local objections in the education community and the importance of resolving difficult issues. Cabinet set out three areas of particular concern:
 - any new arrangements must raise standards and increase participation
 - appropriate levels of funding must be secure
 - all reasonable efforts being made to accommodate the needs of the 11-18 schools following any proposal.
42. The LSC prepared a full business case for the proposed tertiary option in accordance with national guidelines. Before the publication of the second KPMG report heads were given the opportunity to confirm the accuracy of the data used, and to discuss the report's findings with the Director of Education and Libraries. It was unfortunate that, although the report was issued under strict confidence at this stage, a copy was leaked to the press.
43. There were attempts initially to continue the debate with Hastings schools. Heads were invited to a closed-door meeting where they could discuss openly their views on the proposals. All parties found the first meeting helpful. Although there were no further meetings at this stage, the dialogue was re-opened in the formal consultation phase.
44. The LSC organised two development sessions and invited stakeholders. The seminars took place on 10 November when 65 representatives attended and on 8 December when 49 representatives attended. Groups were set up to look at particular areas and external expert facilitators led the discussions. The two sessions covered six areas for further development;
 - 14-19 curriculum
 - business planning
 - governance and management
 - marketing and admissions
 - pastoral care
 - post-19 provision.

45. The LSC analysed the reports arising from the sessions to extract the main features, identify issues and questions for further clarification and provide pointers for further consultation.
46. The LSC has acknowledged that the early financial modelling was imprecise and that their expertise was mainly in education and strategic management. The Director of Corporate Services for LSC, on secondment from KPMG, has been developing a fuller financial analysis. This revised model projects a much more comprehensive five-year plan and includes more detail than before. The Scrutiny Board expressed concern about the level of expert financial support available to the Joint Review but has been encouraged by the subsequent appointment of a regional financial director.
47. The LSC financial modelling has been taken on trust by the LEA. It has not been tested because the resources to do so are not available and because the LSC has overall responsibility for the funding of post-sixteen provision. The financial aspects of the proposal have been scrutinised and approved by finance officers at the National Learning and Skills Council and the LEA is satisfied that the business planning is robust.

Judgement

The nature of the early stages of the process should have been made clearer to the stakeholders in the Hastings and Rother schools.

Assessing the Formal Consultation Phase

48. The formal consultation process started on 27 February 2004 with the publication and distribution of the brochure *Opportunity and Excellence for All*. However this was not completely successful. Learning from the negative experience of using pupil post to distribute Newsletter 4 the LSC used the Post Office to distribute around 30,000 copies of the consultation document to homes in Hastings and Rother. However, the Post Office was not able to deliver all the brochures at the same time. Consequently, some families did not receive their brochures in good time in order to attend the meetings.
49. A further failing was in the addressing of the envelopes. The LEA pupil data base was used and so the brochures were sent to pupils themselves. There is evidence of five-year olds receiving the document directly addressed to them. The Board believes that this may reflect an LSC mindset which sees learners as responsible adults rather than as pupils with parents or guardians. This error in addressing the envelopes was clearly unsatisfactory and reference was made to it at the public meeting held at the White Rock Theatre in Hastings.
50. The Board has heard, and has some sympathy with, criticism that the public notice document *Opportunity and Excellence for All*:
 - is not convincing;
 - uses statistics selectively to make a specific case in support of the proposals;
 - the language in the document has defeated the understanding of some parents or governors;
 - has the appearance of a glossy magazine;

- the questions in the response form point in the direction the LSC wishes to go.
51. The Board referred to a consultation document, *Pupil Information (DfES/0099/2004)*, which sought views on how pupil information is reported. This gives the standards to which all public written consultations should conform. It includes this point:
- A consultation document should be as simple and concise as possible. It should include a summary, two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.*
52. The School Organisation Committee discussed the proposals for post-sixteen reforms at its meeting on 23 March 2004 and passed on its comments to the LSC. It had concerns about the spiritual, moral, social and cultural development of students. It was also concerned about the impact of the proposal on staff and on their training and development needs. The Board accepts that these concerns are being addressed by the Joint Review Board. The LSC explicitly addressed the concerns about staffing raised by the Board and this is indicative of the good response to challenge that the Board has had from the LSC.
53. During the early Spring of 2004, the Board received detailed information from the LSC covering the proposals and arrangements for public meetings to be held as part of the formal consultation process following the issuing of the preliminary notice of a proposal for change.
54. The LSC and the LEA arranged a series of meeting with all the major stakeholders during March, April and May 2004. The staff, students, governors and senior management teams of the two colleges and the five 11-18 schools had separate meetings with senior representatives of the LSC and LEA. Similar meetings were held between the LSC and LEA and the governors and senior management teams of the five 11-16 schools.
55. There were also a series of public and parent meetings held in key locations, summarised in the table below:

Target Audience	Location	Date	Attendees
All Parents Invited	St Richard's Catholic College	16/03/04	18
All Parents Invited	Hillcrest School	17/03/04	150
All Parents Invited	Thomas Peacocke School	20/03/04	8
Public invited	White Rock Theatre	22/03/04	300
Public invited	Robertsbridge Community College	30/03/04	70
All Parents Invited	Claverham School	20/04/04	85
Drop-in session	Odeon Cinema	17/04/04	2
Drop-in session	Bexhill Pool	24/04/04	2
Drop-in session	Rye Sports Centre	24/04/04	1

56. Members of the Board attended the public meetings at White Rock Theatre in Hastings and at Robertsbridge Community College.

57. The Board believes that events at both of these meetings show how important it is to manage effectively the concerns expressed and the emotional response that people experience when change is proposed. Good communication is vital if people are to understand how they can benefit from apparently radical change. The emotional response needs to be recognised and then the emotional energy can be dissipated before rational arguments are introduced. At both meetings the presentation and delivery were targeted at a predominantly professional audience, without fully acknowledging the audience's evident anxieties. Perhaps a less formal, more inclusive approach using less education jargon may have engendered greater empathy and confidence from the audiences.
58. The Board deplores the aggressive manner in which a number of consultees expressed their views, which added nothing to the consultation process for themselves or anyone else. The Board commends officers for remaining calm in some very difficult meetings, particularly given the unacceptable behaviour of some of those present.
59. Both meetings were an attempt to offer a process of public consultation and were well publicised and well organised. However, it was insensitive in the light of the long term campaign for a sixth form at the school to hold the meeting about post-16 provision in rural Rother and the Battle area at Claverham Community College.
60. Overall, the value of public meetings as part of the consultation has been questioned. The Board believes that this is a larger question that needs to be discussed more widely within the LEA and the LSC before any further consultations are held. There are clearly arguments to be made on both sides of this issue. However, we applaud the determination on the part of the LEA's officers to enter into widespread face-to-face consultations.
61. A transport study, prepared by external consultants JMP Consulting, was made available in May. This document was published on the LSC web site although some of its appendices were missing and some of the supporting maps were hard to access. This was not helpful to a parent wanting to assess the implications for their child's travel to school directly from the web site.
62. We note that in the later stages of the formal consultation a more deliberate attempt was made by the officers of the LEA and LSC to engage in debate with some specific interest groups who had, perhaps, been under-represented up until this point. In particular a number of groups of students from various institutions were consulted.
63. During the latter stages of the formal consultation phase the Hastings schools produced a paper called *The Federation - Excellence for All and All for Excellence in Hastings and Rother*. It offers an alternative to the four college model with a Federated 16 Plus Centre being established on a site yet to be determined. The Board has observed that this represents some evidence of convergence between the Federation model and the Joint Review proposals.
64. The Board also received a letter from the Head of William Parker School which says that he believes that the whole process is so flawed that it requires a new start. In the opinion of the Board, despite the flaws the review has identified, a totally new review would be a disproportionate response.
65. The Board received, towards the end of May, two brief papers giving a count of the numbers of responses to the formal consultation with an analysis of the stance expressed. A total of 1442 responses are recorded with 625 being for the proposals 800 being against and 17 not known. There was also an

assessment of the issues raised by respondents. For example, the Joint Review has specifically addressed the widespread concerns of local teaching staff that pay and conditions of employment in the new college would be worse than in schools. This reflects a rigorous exercise of the consultation process.

66. As the consultation deadline approached the LSC realised that the web site may not have been working properly and so the deadline was extended a further week to Friday 4 June to permit website responses. There was also an option to make views known by telephone.
67. In preparing its report for Cabinet the Joint Review Board has demonstrated solid evidence of listening to and accommodating the products of consultation. The convergence of ideas on devolved management found in the Federated Model and the reasoned response to one of the HCAT arguments show the Sedley principles in action.

Judgements

It is regrettable that some of the public consultation meetings were acrimonious or dominated by campaigning groups.

There was a breakdown of trust between some of the Hastings heads and the Joint Review which hampered progress.

The consultation document Opportunity and Excellence for All was not as accessible, concise or as easy to respond to as it could have been.

The distribution system for this consultation document was flawed.

Overall Conclusion

Despite the shortcomings and flaws outlined in this report the scrutiny process has not brought to light any matter that could be regarded as fundamentally invalidating the consultation process. Subject to the process meeting the robust criteria set by Cabinet in September 2003 the Board believes that the plans should proceed to the next stage.

The Review Board

Jeremy Taylor, Director of Education, Diocese of Chichester (Chair)
Councillor John Garvican
Sarah Maynard, Parent Governor

Officers:

Peter Davidson, Scrutiny Lead Officer
Sam White, Scrutiny Support