



North Tyneside Council

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Councillor Liam Bones
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11 November 2024

Dear Councillors

Request for Call-In received on 8 November 2024 – Outcome of the pre-consultation in relation to the future of Monkseaton High School

I refer to your request for Call-In of the decision of the Director of Children's Services acting under a delegation granted to her by Cabinet on 9 September 2024 to move to statutory consultation in relation to a proposal to close Monkseaton High School from September 2026. This decision was made by the Director of Children's Services on 6 November 2024. A copy of this decision and the report to the Director of Children's Services relating to this decision can be found on the Authority's website [here: Delegated decisions 2024-25 | North Tyneside Council](#).

It is important to view this decision in its full context, which includes the decision of Cabinet on 9 September 2024 to authorise a pre-publication consultation with schools, parents and other stakeholders in relation to the future of Monkseaton High School. Cabinet agreed that the Director of Children's Services be authorised to consider the responses to the pre-publication consultation and determine if there should be statutory

consultation but explicitly reserved the consideration of any statutory consultation responses and any decision making on the future of the school to itself.

The Cabinet report sets out the long running dialogue that has taken place with Monkseaton High School, the other schools in the area and the Government. The report also provides, by way of background, details of Cabinet reports considered over the past decade which have explained the problem and maintained a running commentary on the developing issue.

A link to the Cabinet report of 9 September and Cabinet's decision is here: [North Tyneside Council: Decision making](#)

Under the requirements of the Constitution, I, as the Chief Executive, in consultation with the Monitoring Officer (the Head of Law) and, where appropriate the Director of Resources, have to validate the Call-In request. In considering the Call-In request I have consulted with both of those officers.

The validation process requires that the following criteria have been met:

- (a) at least 3 non Cabinet Members must sign the appropriate request form. The completed request form must be received by me (via the Monitoring Officer) within 5 working days of the publication of the Cabinet's decision(s); and
- (b) the completed request form must clearly
 - i. identify the Cabinet decision concerned;
 - ii. specify how the decision does not fully comply with the principles of decision making set out in Article 13 – Decision Making; and/or
 - iii. specify how the decision does not fully comply with the Budget and Policy Framework.

The criteria in a) have been met. I am satisfied that your request technically complies with the requirements of the Call-In procedure as to date of receipt, appropriate number of signatures and the requirement to identify the executive decision concerned, in this case taken by the Director of Children's Services acting under a delegation from Cabinet.

The criteria in b) need to now be considered.

It is a requirement of Call-In that the request specifies how the decision does not fully comply with the Authority's principles of decision making at Article 13 of the Constitution or is not compliant with the Budget and Policy Framework. In your request you refer, in my view, to three of the Article 13 principles. I will address all of these in turn. However, before doing so I would wish to clarify two primary issues in relation to the matter.

Firstly, as you know the Local Government Act 2000 and the Regulations made under that Act provide for and require the executive form of governance that the Authority has. In North Tyneside Council that takes the form of an Elected Mayor and Cabinet acting as the Executive. As such the Elected Mayor and Cabinet has executive responsibility for decision making across the Authority, whereas Full Council (and its Committees) has only, in accordance with the law, specific matters reserved to it.

In relation to the decision that is the subject of this Call-In and any subsequent decisions relating to the proposals for Monkseaton High School, it is important to note as a matter of law that these are not matters that can be considered and determined by Full Council. They can only be considered by Cabinet or an individual Cabinet Member or Officer acting under an express delegation from Cabinet.

Full Council exercises, via the Overview and Scrutiny Co-ordination and Finance Committee, the role of a critical friend in relation to decisions of the Executive. This is provided for in the Authority's Constitution and Call-In is one of the principal mechanisms for that to operate. As I set out above, a Call-In request must set out how a decision of Cabinet does not comply with the principles of decision making set out in Article 13 of the Constitution or does not comply with the Budget and Policy Framework. If a valid Call-In request is received a decision cannot be referred to Full

Council for debate. It must proceed to a meeting of the Overview and Scrutiny Co-ordination and Finance Committee within 10 working days. The Overview and Scrutiny Co-ordination and Finance Committee can at its meeting then either:

- i. reject all or part of the Call-In request on the grounds that the principles of decision making in Article 13 have been met or that the decision complies with the Budget and Policy Framework; or
- ii. accept all or part of the request and (1) where the failure relates to the principles of decision making, refer the matter back to the Cabinet identifying the failure and the action needed to address this; or (2) where the failure relates to the Budget and Policy Framework, refer the matter to Council for consideration of the Budget or Policy Framework implications.

The second point I want to address is the reference that has been made to “the decision to begin the statutory process to close Monkseaton High School constitutes a significant change to the Council’s Budget and Policy Framework, particularly impacting the Medium Term Financial Plan (MTFP)”. That statement is not correct. Whilst the Call-In request makes reference to the MTFP, that does not in my view engage ii) above which relates to a decision being in essence outside of the Budget and Policy framework. The decision of the Director of Children’s Services that is the subject of the Call-In request does not require expenditure outside of the Budget nor does it relate to any of the plans and strategies that form the Policy Framework. The decision of the Director of Children’s Services is to undertake statutory consultation on a proposal to close Monkseaton High School from September 2026. On this basis I consider that the criteria in ii) above is not met.

Turning to the points you raise in respect of individual principles of decision making, I would comment as follows:

(c) Due consultation

You refer in your request to the decision not aligning with the principles of decision making regarding adequate consultation. You state that the consultation period was exceptionally short and scheduled at the beginning of the academic year, a period when many parents are

managing significant demands. You state that this limited timeframe may have constrained meaningful community engagement, potentially resulting in an underrepresentation of stakeholder views, including those of parents, students and school staff.

Under the due consultation principle of decision making, the level of consultation required is that which is appropriate to the nature of the matter under consideration. However, the pre-publication consultation was also informed and guided by the statutory guidance issued by the Department for Education in relation to proposals to alter and close schools. In particular, the guidance provided that the consultation should be held during term time and not over the period of school holidays. The overall consideration of the proposal needed to be undertaken in a timely manner bearing in mind the impact on pupils and parents if a decision is ultimately made to close the school following the consultation process.

The pre-publication consultation took place for six weeks from 17 September 2024 until 30 October 2024 and involved engagement with:

- the parents and carers of registered pupils at the school;
- the governing body;
- pupils at the school;
- teachers and other staff at the school;
- the neighbouring local authorities where there may be significant cross-border movement of pupils, namely Northumberland County Council and Newcastle City Council;
- the governing bodies, teachers and other staff of other schools that may be affected, via a range of communications including Head Teacher Briefings, Schools Forum and the overall Engagement Hub;

and involved engagement with the following stakeholders:

- parents and carers of any pupils at other schools;
- the trade unions who represent staff at the school;
- All Elected Members and the Elected Mayor; and
- All four MPs representing the Borough.

A range of engagement techniques were used, including :

- Parental information sessions;
- Assembly with students;
- Meetings with staff;
- Meetings with governors and school leadership;
- Meetings with trades unions;
- Sessions with North Tyneside Parent Carer Forum;
- An online survey Have Your Say;
- Paper copies of the survey and Frequently Asked Questions were available at Monkseaton High School and on Have Your Say displays in the six main Customer First centres;
- Documentation and Frequently Asked Questions (FAQs) on North Tyneside website/Engagement Hub;
- Letters sent to the school to share with parents/carers and staff;
- Letters to parents in middle schools; and
- Response to Freedom of Information requests.

In addition to the above, I note that this matter has also been the subject of local press interest and this has included the Director of Children's Services being interviewed on the local television news as well as being reported in the press.

It should be noted that the decision taken by the Director of Children's Services to move to statutory consultation is the second step in the engagement process that is provided within the statutory guidance. No decision has been made on the proposal to close Monkseaton High School. Accordingly, the possibility of Monkseaton High School remaining open, should a viable alternative option be identified, is not excluded by the decision of the Director of Children's Services.

The Statutory Consultation process is planned to commence this month and run for 4 weeks until mid-December. It is only after the conclusion of the Statutory Consultation process and an analysis of the responses received will Cabinet move to make a decision on the proposal on 19 December 2024.

(d) Consideration of legal and financial implications

You have stated that “under the Council’s constitution, all major decisions should adhere to the principles of transparency, accountability, and through consultation, especially when fundamental services such as education are at stake. The decision to close Monkseaton High School appears not to meet these principles, raising concerns about the procedural integrity of this process”.

It is unclear which of the principles of decision making you are referring to in relation to the above assertions. I note that you do not state that the decision of the Director of Children’s Services does not properly take into account the legal and financial implications but I consider this is what you may be referring to. I have reviewed the report considered by the Director of Children’s Service in relation to this matter. I note that there is extensive advice and information relating to the financial and legal implications of the decision.

(e) Presumption in favour of openness

Whilst you have not referred to this principle of decision making directly, I have assumed by your reference to democratic accountability it is this principle that you are referring to. I have explained at the beginning of this letter the respective roles and responsibilities of both Cabinet and Full Council. Your contention that this matter should be debated by Full Council is not in accordance with the law or the Authority’s Constitution.

In conclusion, and in light of the comments I have made above, I do not consider that you have in your request met the requirement of Call-In to specify how the decision of the Director of Children’s Services has not fully complied with the principles of decision making, and accordingly I do not propose to validate the request.

I consider that members and the public were made aware of the proposals in good time and in accordance with the statutory guidance relating to proposals regarding the closure of schools, and that the decision itself, to now undertake statutory consultation in relation to the proposal to close

Monkseaton High School from September 2026 is proper as it provides for further consultation and engagement on the proposal.

In the light of the public interest in this matter and to assist the engagement process relating to the Authority's decision making regarding Monkseaton High School, this letter and the request for the Call-In will be published on the Authority's website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Hanson', with a long, wavy horizontal line extending to the right.

Paul Hanson
Chief Executive