# **OVERVIEW AND SCRUTINY BOARD**

# 28<sup>th</sup> FEBRUARY 2006

# FINAL REPORT -PRIMARY EDUCATION REVIEWS

## PURPOSE OF THE REPORT

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1. To present the findings of the Children and Learning Scrutiny Panel in relation to Primary Education Reviews in Middlesbrough.

# BACKGROUND/AIM OF THE SCRUTINY INVESTIGATION

- 2. The number of pupils of primary school age in Middlesbrough has been falling for a number of years and this trend is forecast to continue. This led to a surplus14% of primary school places at the beginning of 2005, with this figure forecast to increase to 25% by 2009. Long term action including possible school closures and amalgamations will continue to be necessary to address this issue.
- 3. The aim of the scrutiny exercise was to investigate the process of how reviews of primary education are undertaken. A review of primary education provision in East Middlesbrough was undertaken earlier in 2005, with that review being used as the basis for much of the scrutiny panel's investigations.

# TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

- 4. The terms of reference for the scrutiny investigation were as follows:
  - i. To what extent are consultation activities successful in engaging an appropriate range of stakeholders at an appropriate stage of process?
  - ii. To what extent do the comments received from consultation inform the development of policy/proposals?
  - iii. To what extent does the Council take into account the wider policy agenda when considering primary provision, through effective liaison with other Council departments and partner agencies?

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- iv. When considering school provision is thought given, and are measures put in place, to smoothen pupils' transition through National Key Stages?
- v. When considering primary provision, is consideration given to the extended schools agenda?

### METHODS OF INVESTIGATION

- 5. The Scrutiny Panel met on five occasions between 30 August 2005 and 13 December 2005 to consider evidence relating to this investigation. A Scrutiny Support Officer from Performance and Policy co-ordinated and arranged the submission of written and oral evidence and the attendance of witnesses for the review. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from the Members Office.
- 6. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS), which can be accessed via the Council's website at www.middlesbrough.gov.uk.
- 7. A summary of the methods of investigation is outlined below:
  - (a) Detailed officer presentations, supplemented by oral evidence.
  - (b) Discussions with, and hearing evidence from headteachers.
  - (c) Discussions with, and hearing evidence from, the Chair of the School Organisation Committee.
- 8. This report has been compiled on the basis of evidence gathered at scrutiny panel meetings and also using the methods listed above. Other background information has been obtained from documents listed at the end of the report.

### **MEMBERSHIP OF THE PANEL**

9. The membership of the Scrutiny Panel was as follows:

Councillor Wilson (Chair); Councillor Mrs H Pearson OBE (Vice-Chair); and Councillors Booth, McPartland, Rooney, B Taylor and Williams; plus co-optees: Father G Holland, E Orr and M White.

10. **The Scrutiny Panel's findings** in respect of each of the terms of reference are set out as follows:

## TERM OF REFERENCE: "TO WHAT EXTENT ARE CONSULTATION ACTIVITIES SUCCESSFUL IN ENGAGING AN APPROPRIATE RANGE OF STAKEHOLDERS AT AN APPROPRIATE STAGE OF THE PROCESS?"

- 11. The Scrutiny Panel considered detailed evidence on the range and methods of consultation undertaken by Children, Families and Learning when undertaking reviews of primary education provision. This included a detailed report which set out the process relating to primary education reviews, together with the statutory regulations regarding consultation and the Council's obligations under these regulations.
- 12. The process of reviewing school provision is undertaken as follows: Re-organisation options are drawn up the local authority (ie by officers in Children, Families and Learning) and used as the basis of public consultation. The options usually include one or more "preferred options" identified by the local authority.
- 13. The Council's Executive then considers the options and, taking into account any comments received from consultation, makes a decision on which option should be implemented. Following this:
  - A statutory notice is published detailing the authority's proposals.
  - A second consultation is undertaken on the proposals, and:
    - if no objections are received the Executive meets to determine whether to implement the proposals.
    - if objections are received, the decision on the re-organisation is referred to the School Organisation Committee (SOC), which is a non-Council committee comprising councillors, school governors and representatives of churches and the Learning and Skills Council.
- 14. In view of the importance of involving all relevant stakeholders, and of keeping them informed of all proposals and developments, the two-stage consultation was examined in detail by the Scrutiny Panel, as follows:
- 15. **Stage 1 Informal consultation** At this stage, a number of different options for school reorganisations are considered and approved by the Council's Executive. In accordance with Department for Education and Skills (DfES) guidelines, all interested parties must be consulted and allowed sufficient time to respond. Clear information must be provided for such parties to be able to form a considered view and for them to be able to express that view. Consultees include the schools involved, affected surrounding schools, head teachers, governors, parents, teachers, other school staff, other interested local education authorities, diocesan authorities, the local community, community councils and early years development and child care partnerships.
- 16. Information gathered from the informal consultation exercise is then considered by the Executive, which determines which option should be taken forward to the formal consultation stage.
- 17. **Stage 2 Formal consultation** Once specific proposals have been made which define the Council's intentions for named schools (ie usually one of the options identified at Stage 1 above) statutory notices are published which give a further opportunity for interested parties to respond. As comments received at the informal

stage of consultation are taken into account at that stage, they would not be carried forward for further consideration at the formal stage unless they were resubmitted at that time.

- 18. The Panel was advised that methods of engaging interested parties and stakeholders in the consultation process include:
  - publishing detailed documents which explain the need to take action (for example where there are falling school roll numbers in a particular area).
  - producing a detailed document (at the informal stage of consultation) which is circulated to Head Teachers, Governing Bodies, MPs, Council Members and staff at the schools. This document provides in-depth analyses of the issues which the authority intends to address through school reorganisation.
  - publication of a summary leaflet, which is circulated to parents and other stakeholders, together with notification that a copy of the full detailed document is available on request. Both of the above documents include a freepost response to enable respondents to send a reply to the authority. Telephone and address contacts are also provided and the documents are placed in libraries and community centres.
  - publishing a statutory notice at the second (formal) consultation stage to explain the changes the authority intends to make to education provision in the area. This is published in the Evening Gazette, at the entrances to each school involved and in other public areas served by the schools for example libraries, housing offices, shops and lamp-posts. At that time, any interested stakeholders are invited to submit representations in writing to the Director of Children, Families and Learning within a prescribed time period. All responses which are received are forwarded to the School Organisation Committee for consideration.
  - arranging briefings with headteachers and chairs of governors to inform them of the different re-organisation options, the consultation process and decision-making procedures. A series of school and public meetings is also held in order to discuss the content of the document and answer any questions raised. In addition, drop-in sessions are held at schools, where parents can access information and ask questions without having to attend a more formal meeting. Parents of children below statutory school age are accessed through local Sure Start services via a letter.
  - > publication of all documentation on the Council's website.
  - > the use of press releases to publicise developments more widely.
  - 19. The Panel considered that issues which arise from examining the above term of reference relate to the need to ensure that stakeholders fully understand the review process, and that this is clear and explicit.

# TERM OF REFERENCE: "TO WHAT EXTENT DO THE COMMENTS RECEIVED IN CONSULTATION INFORM THE DEVELOPMENT OF POLICY/PROPOSALS?"

- 20. The Scrutiny Panel considered a number of issues in relation to this term of reference, as follows:
  - a. Whether stakeholders' views are invited regardless of whether they are in support or in objection:

- The Council's published consultation documentation indicates that interested parties may submit *either* objections or comments on re-organisation proposals. It is generally recognised, however, that people who are opposed to any particular proposals are more likely to make representations to the authority than those who are in support. Other issues relate to pro-active school communities which canvass support or objection to a particular course of action. In such circumstances consultation results can be skewed.

b. Whether comments received at the informal consultation stage are also automatically taken into account at the formal stage:

- Comments received in relation to any proposals at the informal consultation stage are considered by the Council's Executive to decide which option should be taken forward. At the formal consultation stage, only one option is presented to the Executive or School Organisation Committee – ie the proposed option. Comments received and considered by the Executive at the informal stage are not reconsidered by the Executive or School Organisation Committee at the formal stage of the process as these have already been taken into account by the Executive in identifying its preferred option.

c. Whether representations made at the formal consultation stage can still influence the final outcome:

- The local authority is obliged to consider *any* formal written objections to a published proposal and, as such, if a single letter of objection is received the decision in relation to a School Reorganisation is required to be taken by the School Organisation Committee. The SOC is obliged to consider all written responses to formal consultation and to use them as part of the evidence base when considering proposals.

d. Whether the authority's preferred option had ever been altered as a result of representations made during consultation (either formal or informal):

- Procedures do allow for this. For example, the review of primary education in East Middlesbrough produced two Council preferred options. Comments received through consultation were used to shape the development of the plans to implement the proposal, although the content of the proposal was not changed.

e. Whether the local authority was satisfied that the current process fully took into account the views of stakeholders and presented a meaningful avenue for them to influence the process:

- The authority's view is that the current process is aimed at involving all interested parties and stakeholders and giving them the opportunity of either supporting or opposing a proposal. Accordingly, the Council follows statutory regulations and guidance in relation to consultation but goes beyond those activities prescribed to further engage communities and stakeholders.
- 21. The panel also heard evidence from the Chair of the School Organisation Committee (SOC) and from three headteachers, in respect of their experience of the consultation process.
- 22. Mr I Bruce, Chair of the SOC presented information to the panel on the operation of the committee and, in particular: the consultation process, how any representations which are received are dealt with by the SOC and to what extent these influence the Committee's decision.
- 23. It was confirmed that consultation is viewed by the SOC as the key element of the reorganisation process and is seen as the essential means of ensuring that stakeholders' views can influence the process. Following recent changes to the meeting procedure, those who are in support of a re-organisation proposal can now make representations directly to the committee the previous position had been that only objectors could be heard at the SOC meeting. The revised arrangements help in ensuring that a more balanced view is presented to the committee. The Executive's preferred option is carefully considered in the light of any representations made to the committee, whether these are in support or opposed to the Executive's proposed course of action.
- 24. Examples were highlighted of consultations which had resulted in proposals being amended by the SOC.
- 25. Although unsuccessful efforts were made to involve a number of parents and school governors in this aspect of the scrutiny review, a number of headteachers did make a contribution. The following heads advised the panel of their views in relation to consultations which had been undertaken in respect of primary education reviews in which they had been directly involved:

Mr L Howes - Caldicotes Primary School Ms A Kerr - Pennyman Primary School Mr K Waller - Brambles Farm Primary School

- 26. Issues which the panel examined in relation to this aspect of the scrutiny review were as follows:
  - Whether details of the re-organisation process were made clear at the beginning of the process.
  - Whether stakeholders were fully informed of how representations could be made.
  - Whether stakeholders were fully informed of how any representations would be dealt with.
  - Headteachers' general views of their experience of the process.

27. The headteachers present at the meeting indicated **their views of the consultation process** as follows:

- a. The process was made clear and all options were made known to interested parties. However, there was uncertainty as to how much of the detailed information had been understood by parents. A further issue related to whether parents understood that they could also support a particular option as opposed to objecting. Information provided to Heads and Governors was clear, as was the process of how parents could respond. There was, however, some doubt as to whether stakeholders were clearly informed as to how they could influence the process.
- b. The role and contribution of the Council's Primary Review Officer in the review process was praised. This was particularly in relation to personal visits to schools and at public meetings.
- c. The view was expressed that information contained in consultation leaflets could have been clearer and that the implications of the various options were only made clear at the public meetings which few parents attended. It was also considered that the preferred options listed in the literature would have influenced parents in their decision.
- d. An issue related to the inclusion of premises' costs in the published literature and whether this was accurate as headteachers felt that they were not consulted in relation to their schools. It was important that all published information was accurate and not misleading, or liable to mis-interpretation. (The officer from Children, Families and Learning indicated in response that the authority did endeavour to involve headteachers in compiling premises data and in site visits, meetings and premises reports).
- e. Although published literature (in the headteachers' view) suggested that a larger new primary school would raise attainment, this was challenged by the head teachers who expressed the view that smaller schools achieve better attainment and better community involvement. (The officer from Children, Families and Learning indicated in response that this had not been stated in any published documentation but that a link between larger schools and raising attainment may have been made by the school communities themselves).
- f. Minutes/records of public meetings should be more comprehensive and made easily available. It was commented that minute taking at the meetings was inadequate, that some meetings were not minuted and that some minutes were not published. Reference was also made to the fact that some parents who had spoken at public meetings had wrongly assumed that their views would be recorded in detail as part of the consultation process. This was not necessarily the case and, in such circumstances, people still had to confirm their support or objection to any proposals in writing.
- g. It is important to ensure that any schools potentially affected by a re-organisation are kept informed of developments. For example, Pennyman School had been excluded from the process once the consultation had closed as, in the local authority's opinion, it was not directly affected by proposals. This meant that the school did not have a voice in relation to redevelopment of East Middlesbrough

schools, despite the school's view that it was affected by the proposals. The headteacher stated that she had received no information on the East Middlesbrough Primary Review following adoption of an option which did not include her school, so had then had to obtain this from other headteachers.

- h. The view was expressed that information regarding reviews was released in a tactical way, so as to 'drip feed' information to stakeholders.
- i. Some parents had expressed the view that there was no point in making representations as a decision on the outcome had already been made.
- j. That although difficulties associated with issues such as funding bids were understood, the review process appeared to be open ended with no definite timescales identified.
- 28. The Panel considered that issues which arise from examining the above term of reference relate to the need to ensure that parties involved in, or affected by, a review understand how to make representations about the review and how such representations can affect the process. There is also a need to ensure that all information associated with a review is made readily available.

### TERM OF REFERENCE: "TO WHAT EXTENT DOES THE COUNCIL TAKE INTO ACCOUNT THE WIDER POLICY AGENDA WHEN CONSIDERING PRIMARY PROVISION, THROUGH EFFECTIVE LIAISON WITH OTHER COUNCIL DEPARTMENTS AND PARTNER AGENCIES?"

- 29. The Scrutiny Panel sought to investigate whether liaison between Children, Families and Learning and other Council service areas is effective.
- 30. The Panel heard that regular liaison meetings are held between Regeneration and Children, Families and Learning Officers on both general and specific issues. These meetings aim to address and bring together the differing aspects of the planning and education processes. Issues include:
  - regeneration issues arising from land sales for example whether these would produce an appropriate quality of investment from both the Council and private developers.
  - producing communities with the right balance of housing, schools, leisure, retail etc.
  - housing densities as determined by planning legislation and in order to receive funding/support for regeneration schemes for example Government North East.
  - the differing timescales associated with the planning and education processes.
- 31. In addition, officers from Planning and Education are involved in early and regular consultation on all major developments. Inter-departmental Working Groups have been established and the Council's Corporate Management Team is also a major source of constructive liaison.

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32. The Panel considered that issues which arise from examining the above term of reference relate to the need to ensure that it is recognised that primary education reviews will impact on other Council service areas and on wider Council policy. and that this is clear and explicit.

### TERM OF REFERENCE: "WHEN CONSIDERING SCHOOL PROVISION, IS THOUGHT GIVEN TO, AND ARE MEASURES PUT IN PLACE TO, SMOOTHEN PUPILS' TRANSITION THE NATIONAL KEY STAGES?"

- 33. The Panel was informed by the Council's Senior Standards Advisor that the local authority's objective is to minimise disruption to pupils transferring between National Key Stages of education. It is recognised that any changes in pupils' educational arrangements can result in lower academic achievement, reduced attendance and increased truancy, together with increased levels of exclusions.
- 34. Such disruption can also arise from the implementation of a primary education review, either from the creation of a new primary school or from amalgamation of different schools. In such circumstances, issues which the authority needs to address include pupils' and parents' concerns, difficulties arising from new structures and procedures, different teachers, different classmates, different premises and changes in location. The Senior Standards Advisor's view is that it is vital that consultation between authorities, schools, parents and pupils is undertaken in order to minimise any disruption.
- 35. Information was considered by the Scrutiny Panel in relation to social issues, vulnerable youngsters, managerial and bureaucratic issues, personal issues, curriculum content, teaching practices and the management of learning all of which can impact on primary education reviews. The following points which have been identified as "five bridges to be crossed" to ensure effective transition between National Key Stages 2 and 3 can also be applied to primary education reviews:
  - Management/Bureaucratic ie keeping communities informed, providing and receiving accurate information and ensuring that allocation of places and personal/ education/pastoral issues are effectively addressed.
  - Personal and Social ie pupils adapting to their new environment by visiting the school, meeting new teachers, spending time in class and ensuring that Special Educational Needs/vulnerable pupils are given appropriate support during an induction period.
  - Curriculum Content ie the need for all staff to be involved in training methods/ meetings to develop planning procedures.
  - Pedagogical ie how pupils are taught. There needs to be clear, planned links between different establishments to enable discussions about working methods to be undertaken.
  - Management of Learning ie development of key skills to enable pupils to thrive in a new environment. This includes data analysis, information and communication technology pilot schemes, science projects, achievement information and individual education plans.

- 36. The Panel also heard evidence relating to the possible introduction of pupil "passports" which can ensure that information relating to each pupil is forwarded from one school to another to help ensure a smooth transition between schools. This issue is being considered for the transition between primary and secondary schools and could possibly be included as a future aspect of primary education reviews.
- 37. The Panel considered that issues which arise from examining the above term of reference relate to the need to ensure that action is taken to address any potential adverse impact on pupils' education.

## TERM OF REFERENCE: "WHEN CONSIDERING PRIMARY EDUCATION PROVISION, IS CONSIDERATION GIVEN TO THE EXTENDED SCHOOLS AGENDA?"

- 38.The Panel heard evidence from the Council's Extended Schools Co-ordinator, on this issue.
- 39. The Extended Schools Agenda that is the use of schools, including use beyond the school day, to meet the needs of children, families and communities has been a Government priority for the past two years and is linked to the national "Every Child Matters" programme. Government guidance was published in June 2005 in the form of a prospectus entitled "Extended Schools; Access to Opportunities and Services for All". The intention is that as well as being aimed at producing benefits for children and young people such as increased educational attainment and achievement and health benefits extended schools should also produce benefits for local communities and for schools themselves.
- 40. As part of a current DfES five-year strategy that all schools will become extended schools, local authorities will be able to develop a core of extended services in partnership with other agencies. These services could include childcare, adult education, parenting support programmes, community based health and social care services, multi-agency behavioural support teams and recreational after-school activities.
- 41. There is a clear link between the aims of the extended schools agenda and any primary education reviews. Procedures are in place within Children, Families and Learning to ensure that future primary reviews will include consultation on the Extended Schools Agenda. The Extended Schools Co-ordinator is to be part of any organisational groups which are considering changes in primary school provision.
- 42. There are a number of related issues which come to light when considering extended schools in the context of primary education provision, such as alternative uses for school buildings. Some local authorities, including Leeds and Durham, have already looked at other uses for school buildings, especially in the case of reductions in pupil roll numbers. Progress is being made in Middlesbrough and consideration is being given to community use of surplus space in primary and secondary schools.
- 43. Additional Extended Schools Agenda funding will be available from April 2006. This will be fed directly into schools for them to spend how they choose. As schools already develop individual letting policies this change should be easily accommodated. As

teachers are not trained in all activities which may be offered, schools could bring in specialist staff for after hours activities, including child care staff where appropriate.

44. The Panel considered that issues which arise from examining the above term of reference relate to the need to ensure that the wider community-use of schools is considered when determining the possible affects of primary reviews.

# CONCLUSIONS

- 45. The scrutiny panel found that, in general, the primary education review process is well managed and that strenuous efforts are made to inform and engage stakeholders and to determine their opinions. However, the panel considers that some aspects of the process could be strengthened. Its detailed conclusions in relation to the scrutiny exercise are as follows:
  - a) That action is necessary to address falling pupil numbers and high levels of surplus school places to ensure that resources which are directed at pupils' teaching and learning are maximised.
  - b) That the key aspect of the resultant primary review process is ensuring that information is made available to ensure that all interested parties fully understand the process and how they can participate in and influence it.
  - c) That although the local authority goes beyond statutory requirements in its arrangements of making information available to interested parties, some aspects of how representations are dealt with in terms of the two stage process may not be clear to all involved parties. It is important to ensure that it is made clear that any decisions made in respect of primary reviews are not predetermined and that any representations which are made are given full consideration.
  - d) That the consultation process offers the opportunity for all interested parties to become involved in the process although resultant participation levels vary.
  - e) That comments received from consultation are used as the basis of determining which course of action the Council will pursue in any reorganisation.
  - f) That open ended timescales, which create uncertainty for stakeholders, are an issue.
  - g) That there are important links between primary education reviews and the Council's wider policies- including planning/regeneration issues. Mechanisms are in place at an officer level within the Council to bring together the differing aspects of these processes to maximise the benefits of a joint approach.
  - h) That it is important to minimise disruption to pupils caused by reviews of education arrangements. Measures are already taken to ensure disruption is minimised for pupils moving between the National Key Stages 2 and 3 of education and work has begun to make similar arrangements in the case of primary education reviews.

i) That there are important links between primary education reviews and the extended schools agenda. For example, surplus places could possibly be developed as learning facilities for local communities. Middlesbrough's strategy in this area should be made clear.

# **RECOMMENDATIONS FOR SUBMISSION TO THE EXECUTIVE:**

- 1.That all documentation published in relation to primary education reviews is examined to ensure that:
  - a. All aspects of the process are explicit and clear.
  - b. All interested parties are aware of how they can influence the process and how representations are dealt with particularly that representations can be made in support of proposals and not just in opposition.
  - c. Any preferred options are transparent, balanced and present a reasoned case.
  - d. It is clear to all parties, including govening bodies, that they must provide any comments in writing in order for them to be taken into account.
- 2. That it is ensured that participants in the review process are clearly advised that comments, views or objections made at the informal consultation stage of the process need to be re-affirmed if they are to be also considered at the formal consultation stage.
- 3. That timescales for reviews should be identified where possible.
- 4. That mechanisms continue to be developed and strengthened to maximise the benefits of inter-departmental and inter-agency working in relation to primary reviews.
- 5.That all schools potentially affected by a review including those on the periphery are kept fully informed of developments.
- 6.That reporting mechanisms from public meetings are reviewed to ensure that:
  - a. information from, and records of, the meetings can be easily obtained.
  - b. interested parties attending those meetings are informed that any points raised at the meeting should be put in writing to ensure that they are taken into account in the review process.
- 7. That a procedure such as that which has been developed to ensure a smooth transition for pupils moving between National Key Stages 2 and 3 of education - is developed by the local authority to ensure that disruption caused to pupils by reviews of education arrangements is minimised.
- 8. That the extended schools agenda is actively considered and taken into account in all primary reviews and that a procedure is developed to ensure that this and also consultation with local communities about alternative school usage takes place.

# ACKNOWLEDGEMENTS

46. The Panel is grateful to all those who have presented evidence during the course of this investigation and who have assisted in its work. We would like to thank the following for their willingness and co-operation:

Councillor P Thompson, Executive Member for Education and Skills T Sutcliffe, Head of Service (Capital and Assets), Children, Families and Learning G Maddison, Primary Review Officer, Children, Families and Learning J McGee, Extended Schools Co-ordinator, Children, Families and Learning D Snaith, Senior Standards Advisor, Children, Families and Learning K Parkes, Head of Planning and regeneration Programmes, Regeneration I Bruce, Chair of School Organisation Committee L Howes - Headteacher, Caldicotes Primary School A Kerr - Headteacher, Pennyman Primary School K Waller - Headteacher, Brambles Farm Primary School

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17 February 2006

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# BACKGROUND PAPERS

The following background papers were consulted or referred to in preparing this report:

- (a) Minutes of Children and Learning Scrutiny Panel meetings August December 2005
- (b) Report to Children and Learning Scrutiny Panel 30 August 2005 "Primary Review -Falling rolls in Primary Schools"
- (c) Report to Children and Learning Scrutiny Panel 20 September 2005 "Draft Terms of Reference Evidence Gathering"
- (d) Report to Children and Learning Scrutiny Panel 20 September 2005 "Consultation and Stakeholder Engagement" including:
  - November 2004 Booklet "Consultation Document Primary Review: Options for Primary School Reorganisation in East Middlesbrough"
  - November 2004 Leaflet "Consultation Document Primary Review: Options for Primary School Reorganisation in East Middlesbrough"
  - February 2005 Leaflet "Consultation Document Primary Review Proposal for Primary School Reorganisation in East Middlesbrough"
- (e) Report to Children and Learning Scrutiny Panel 13 December 2005 "Evidence Gathering and Update - Extended Schools in Middlesbrough - Briefing Paper (Appendix 1)"