

Cabinet 3 March 2021	 TOWER HAMLETS
Report of: James Thomas, Corporate Director, Children and Culture	Classification: Unrestricted
Report on the outcome of the statutory consultation on the proposal to close Shapla Primary School	

Lead Member	Councillor Asma Begum, Deputy Mayor for Children, Youth Services and Education
Originating Officer(s)	Terry Bryan, Service Head (Pupil Services and School Sufficiency) Ikwi Mkparu, School Organisation and Place Planning Manager
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	3 rd December 2021
Reason for Key Decision	To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
Strategic Plan Priority / Outcome	Children and young people are protected so they get the best start in life and can realise their potential

Executive Summary

This report informs cabinet of the outcome of the four week period of public representation in response to the statutory notice on the proposal to close Shapla Community Primary School. It recommends for the Mayor in cabinet to consider a decision on whether or not to formally proceed with plans for the School to close on the 31st August 2021. The report includes: a summary of representations received; the council's response; officer's recommendations; and the decisions available to the Mayor in Cabinet.

RECOMMENDATION:

1. Having considered the responses to statutory (public) notice at Appendix 1, the Equalities Assessment at Appendix 2 and the alternative options explored in the earlier public consultation report, it is recommended that the cabinet approves the proposal to close Shapla Primary School with effect from the 31st August 2021.

1. REASONS FOR THE RECOMMENDATION

- 1.1 The recommendation is made in order to determine the council's response to representations received following the statutory notice.
- 1.2 Prior to the earlier stage one consultation, which was followed by the issuing of the statutory notice, alternatives were explored to support a sustainable future for Shapla Primary School. These were considered in detail by the School's Governing Body. However, upon further analysis none of these alternatives were considered viable. These alternatives together with explanations of why they could not be pursued are considered in this report and its appendices.

2. ALTERNATIVE DECISIONS

- 2.1 The Mayor could decide not to agree to the recommendation for Shapla Primary School to close. In which case the council would then have to decide on how the School's increasing budget deficit would be funded beyond the 2020/21 school year, given that it is no longer financially viable and will not see a sufficient increase in its pupil numbers for the situation to change in the foreseeable future.
- 2.2 The Mayor could decide to delay the decision on the School's closure until later years. However, this would mean that the School's financial position would worsen, further impacting on the quality of education for its current pupils and leaving an even bigger budget deficit. It would then not be possible for Shapla Primary School to provide pupils with a rounded education that meets their academic, social and emotional needs. Consequently, any delay would not be in the best interests of educational provision in the area.

3. DETAILS OF THE REPORT

- 3.1 The report informs cabinet of the responses to the statutory notice.
- 3.2 The Mayor in cabinet is asked to consider these responses alongside the Equalities Impact Assessment, before taking a decision on whether the council should proceed with the Shapla Primary School closure on the 31st August 2021.

4. INTRODUCTION

- 4.1 Following a report to cabinet on 21st October 2020, the Mayor agreed for the council to proceed with the issuing of a statutory notice on the proposal to close Shapla Primary School. The main facts on the background to this decision, and current position of Shapla School, are set out below, with the detailed information

in the earlier public consultation paper (Appendix 3) and the October cabinet report.

5. BACKGROUND

- 5.1 Shapla Primary School is a one form entry school for up to 210 pupils with additional nursery provision. It is located at Wellclose Square, E1 8HY, in the Wapping catchment area to the west of the borough. The school's is able to take up to 30 pupils at the point of entry in reception. For the last few years, Shapla has experienced low numbers of reception applications and the total roll of the school has consequently reduced over time.
- 5.2 Schools receive funding per pupil and lower pupil numbers can create financial difficulties and present significant challenges with school organisation and the delivery of a high quality curriculum.
- 5.3 The table below presents the numbers of reception offers for Shapla over the past five years. It shows that the number of offers has remained low and well below the School's Planned Admission Number. This has resulted in high percentages of unfilled places and a significant decline in the Shapla pupil roll.

Year	Reception Offers	Planned Admission Number	% of Unfilled Places
2016	18	30	40
2017	16	30	47
2018	12	30	60
2019	8	30	73
2020	12	30	60

- 5.4 The decline in the pupil roll at Shapla is largely due to the significant population changes in Tower Hamlets, where pupil numbers are currently falling in areas west of the borough. This now means that Shapla School, along with some other schools, does not have sufficient children to fill its classes. All year groups are now operating at well below their capacity.
- 5.5 The advice from central government is for Local Authorities to aim to have no more than 10% of surplus places across the whole area and for purposeful action to be taken in individual schools with more than 25% of unfilled places.

6. REASON FOR THE RECOMMENDATION FOR SHAPLA SCHOOL TO CLOSE

- 6.1 This recommendation is being made, given the significant fall in pupil numbers and the associated impact on the educational and financial viability of the School. These underlying viability issues are caused by a considerable and unrecoverable cumulative budget deficit, very low pupil numbers and reception year admission patterns that have declined over a period of time.
- 6.2 An analysis of the current financial position of Shapla School is provided at Appendix 4. The School's in-year deficit in 2019/20 was 149k. Regulations prevent a Local Authority (LA) from writing off school deficits so in-year balances are added to those brought forward from previous years giving Shapla a cumulative

budget deficit at 1 April 2020 of 423k. This deficit is projected to increase year on year to reach a total of 852k by 2023-24.

- 6.3 In accordance with school funding regulations, a school's budget deficit must be repaid within a three-year timeframe. Where a deficit cannot be repaid it is incumbent upon the School and the Local Authority to consider options for the School's future viability, including closure. The funding regulations also state that a deficit balance following a school closure will be the responsibility of the local authority.
- 6.4 The current pupil projections for the west of the borough are attached as Appendix 5. In terms of demographic growth, pupil projections show that there is no material increase in the projected numbers of primary pupils within the areas west of the borough. Based on the data for the Wapping area, the numbers of pupils starting primary schools in Wapping is very unlikely to increase significantly in the foreseeable future. This indicates that there is no real prospect of recovery for the Shapla School pupil roll over the next few years.
- 6.5 The reasoning for the closure of Shapla Primary School is therefore evidenced by:
- its falling pupil roll;
 - its increasing budget deficit and the substantial risk to the continued provision of high quality education;
 - pupil projections that indicate there is unlikely to be an increase in demand for places at the School in the medium to long term; and
 - the unfilled places elsewhere in the local area, which can accommodate the displaced Shapla pupils.
- 6.6 Throughout this process full consideration has been given to the wellbeing of the Shapla School community, and the support pupils, families and staff will require if the recommendation for closure is approved. The need to ensure sustainable high quality education remains the Local Authority's primary consideration and provisional arrangements are already in place for pupils and their families. The impacts and risks are considered in this report and in the equalities assessment. Families have started to look for new school places during the consultation period and some have already decided to take up offers at other Tower Hamlets schools. The vast majority of Shapla pupils will be able to transfer to nearby schools.
- 6.7 The staff at Shapla have remained throughout the period of this closure proposal to ensure the School's good running. A decision to close Shapla will require them to apply for new jobs. LA officers and the School Governing Body are working together to support staff through this change and finding new positions. Details of meetings held with the staff and their unions are included below. A formal staff consultation will only take place if a decision is made to close the School.
- 6.8 An Equalities Assessment (EA) has been undertaken and is presented in the supporting documentation (Appendix 2). Although there are some groups who are considered more vulnerable the EA explains how the risks are being mitigated.

7. CONSULTATION

- 7.1 The first stage of the public consultation process was undertaken from 8th June to 17th July 2020. An analysis of the responses to the first stage consultation was presented to the Mayor in cabinet on the 21st October 2020. Following the cabinet decision to issue the statutory notice, a second round of public consultation took place between the 16th November and 16th December 2020.
- 7.2 Due to coronavirus it was not possible to hold the traditional method of public and parents' meetings for both the first stage consultation and the subsequent statutory notice period. However, several alternative methods were used, in accordance with the Tower Hamlets guidance on public consultation processes during coronavirus. These methods along with the type of responses are explained in both the first stage consultation report (see Appendix 6) and the analysis of the responses to the statutory notice (see Appendix 7).
- 7.3 Prior to the start of the consultation, the Local Authority's independent consultant held a series of preparatory meetings with Shapla School to discuss the background and process for the consultation. These included separate meetings with the head teacher and chair of governors, the governing body, the school's senior leadership team and school staff. The following formal meetings were then held as part of the consultation, to give consultees the opportunity to ask questions and make their views known:

Parents (including wider public)	Video Presentations available online from 4 th June 2020
	Virtual Meetings 9.30 and 6pm 13 th July and 10 th November 2020
	Individual meeting in school with parent liaison/learning mentor 17 th September and 20 th October 2020.
	Playground meetings on 30 th September, 6 th October and 10 th November 2020.
	Online update meeting for all parents 25 th November 2020
	Online transition meetings for parents with children starting new schools in January 2021 - 2 nd , 9 th and 16 th December 2020.
	Visit to alternative school(s) to look around school and plan parents small group visits in January 2021.
	Meetings with parents of children with EHCPs from the 18 th January 2021 onwards
School Staff	121 meetings offered 13 th July 2020
	Zoom meetings 13 th July, 10 th Nov, 10 th December 2020
Local Headteachers	Zoom meetings 19 th June, 10 th Sep, 11 th December 2020

- 7.4 Views expressed by pupils at meetings have been captured in the consultation feedback. In addition, the school has worked with pupils to help them understand the closure proposal, seeking to reassure them that they would be fully supported throughout this period.

8. RESPONSES TO THE STATUTORY NOTICE (Second Stage Consultation)

8.1 The following written responses were received during the statutory notice period:

Total Responses	Agreed with proposal	Disagreed with the proposal
3	1	2

The three respondents identified themselves as:

- Parents of Shapla School pupil
- Local Resident
- Local Headteacher

8.2 Two of the three respondents disagreed with the proposed closure. The general themes from these two responses are as follows:

- Disappointment at the Local Authority's decision to disperse the Shapla children in September 2021 and concern that the decision was made without due regard to alternative courses of action.
- The view that the best location for the Shapla pupils is Shapla school, and the children should remain in this setting for as long as possible.
- That the decision to close the School in September 2021 seems to be purely financial and does not consider the social and emotional cost to the wellbeing of the Shapla community.
- Concern that there will not be enough places at other local schools for Shapla pupils if the School closes.
- Sadness over the closure of a school that has been at the heart of the local community and concern that the local area has become more business orientated.
- Concern over the effect that the closure will have on Shapla pupils causing them to be uprooted and forced to attend schools elsewhere.
- Concern that Shapla children will be placed in unfamiliar settings and amongst children and staff with whom they are unaccustomed. It will split friendship groups built up over several years; it may even split families.
- Children with special educational needs may find the transition particularly difficult so that it affects their cognitive and social development. The feelings of alienation and uncertainty they experience will come at a time when the school community is likely still to be recovering from the disruption wrought by coronavirus.
- That the Local Authority should consider an amalgamation with St Paul's School for a period of, say, three years. There would be no further intake

at Shapla School from September 2021 and children in current years 3, 4 and 5 would be allowed to complete their education as distinct Shapla pupils (in years 4, 5 and 6 respectively). Children in years below year 3 would be assimilated into St Paul's School, or other local schools.

8.3 The council has addressed all of the points raised in these general themes in:

- its analysis and response to the representations made to the Statutory Notice, **attached as Appendix 7**, and can also be viewed [here](#)
- the Equalities Assessment, which has been updated to address the representation following the statutory notice period and **attached as Appendix 2**;
- the previous report on the outcome of the first stage consultation published on the council website and with the earlier 21st October cabinet report, included again **as Appendix 6**.

8.4 In the analysis of the feedback received during both the first stage consultation and the statutory notice period, the council is able to draw some clear recognition that Shapla School is a good school that it is held in high regard within its community. The feedback to the statutory notice included an alternative proposal to school closure. However, when considering this proposal, based on the financial modelling and pupil place projections, it was apparent that this option would not be viable. It should also be noted that prior to issuing proposals for closure, the Shapla School governing body did consider alternatives, which included the possibility of a hard federation or amalgamation with a neighbouring school(s). This work was supported by the LA's independent consultant. The governing body's closer analysis of these alternatives determined that they would not be achievable, given the significant resourcing and other constraints.

8.5 The further statutory notice period of public consultation did not present any options that could be reasonably taken forward as an alternative to school closure.

9. TIMETABLE FOR IMPLEMENTATION OF SCHOOL CLOSURE

9.1 If the decision is made for Shapla Primary School to close, the timetable for implementation will be as follows:

Mid- March 2021	A staff consultation will be issued
April 2021	Pupils whose families choose to move them to alternative schools, immediately will do so from the first day of the Summer term i.e. April 2021*.
July 2021	Pupils who families choose for them to remain at Shapla until the end of the school year (July), will move to their new school from the first day of the Autumn term i.e. September 2021.
August 2021	Shapla School will continue to operate up until the 31st August 2020 and then formally close.

9.2 The table below shows the numbers on roll at Shapla at the start of the school year (October 2020) and the numbers at January 2021. *The Local Authority

has informed parents that their children should remain at Shapla until the end of the school year, even if a decision was made to close the School. However, some parents have taken action of their own volition to transfer their children to alternative schools earlier:

Year Group (2020/21)	Roll as at 1 st Oct 2020	In-Year Transfers*	Roll as at 4 Jan 2021
N	8	1	7
R	17	2	15
1	12	7	5
2	13	2	11
3	14	5	9
4	24	2	22
5	20	5	15
6	27	1	26
Total	135	25	110

- 9.3 The Local Authority, working with Shapla and neighbouring schools, will ensure that the remaining 110 pupils are able to take up alternative places by September 2021. The Local Authority’s Parental Engagement and SENDIAS services are already working with the families of vulnerable children and those with special educational needs to ensure that their school transfers are properly supported and they are able to make a successful transition.

10. EQUALITIES IMPLICATIONS

- 10.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 10.2 An Equalities Assessment has been conducted by the LA and is attached at Appendix 2. This must be considered in detail before the Mayor in Cabinet considers the matters above, as part of his decision on whether to close Shapla Primary School.
- 10.3 The Equality Act 2010 requires the LA, when exercising its functions, to have due regard to eliminate discrimination, harassment, victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not (“the Public Sector Equality Duty”).

11. OTHER STATUTORY IMPLICATIONS

(i) Managing the Impact of Proposed Closure on School Staff

11.1 Local Authority Officers and the Shapla Governing Body are working together to support the School staff through this change. A formal staff consultation will only take place once the final decision has been made on the School's closure. If the final decision is for the School to close staff will be supported through further training, coaching and workshops to find redeployment opportunities at other local schools.

(ii) Best Value Implications

11.2 The Local Authority has a duty to ensure that schools are fulfilling their duties and that value for public money is achieved, whilst standards are maintained. They must ensure that they do not fall into financial deficit so that they are unable to sustain an offer of quality education for children. This proposal is being considered in view of concerns over the School's viability and therefore its ability to sustain high quality education for its children.

11.3 The proposal presents significant mainstream revenue and capital implications for the council. When a School closes its finances (and any surplus or deficit) is returned to the Local Authority. In this case the deficit balance will transfer to the council.

11.4 Closure of Shapla will remove the School's deficit budget and the requirement for additional funding from the Dedicated School's Grant, (DSG). This will reduce the pressure on the DSG that is caused by having a number of schools requiring licensed deficits and ensures a more efficient use of resources across the school estate.

(iii) Environmental (including air quality)

11.5 There are no environmental issues arising from this proposal.

(iv) Risk Management

11.6 If this recommendation is agreed, the closure process will be carefully managed and evaluated in line with statutory guidance, mindful of the needs of the children, families and staff, and thoroughly addressing the considerations of the Equalities Assessment. The plan to close the School on the 31st August 2021 will allow enough time for arrangements to be completed by September 2021 and therefore minimise or mitigate any risks.

(v) Safeguarding

11.7 The report deals with the council's approach to managing the supply of school places for the local population. The efficient supply of school places contributes to the safeguarding of children by ensuring their access to good quality, sustainable education provision.

(vi) Data Protection / Privacy Impact Assessment

- 11.8 The proposals presented in this report have followed an initial and formal public consultation using a variety of mechanisms. All responses received through these mechanisms or made directly to council officers or members have been included in the analysis of the feedback received. These responses have only been used to assess the community's view of the proposals and not for any other purpose.
- 11.9 The council handles information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018. For more information, the privacy notice for Pupil Services can be accessed [here](#).

12. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 12.1 The current and projected size of the School mean that they are unable to support the staffing infrastructure that is required with the levels of funding that are provided through the national funding formula. If the School continues overspending their funding allocation the costs of that overspend would fall on the council if closure was at a later date. Early action reduces the general fund exposure for the council

13. COMMENTS OF LEGAL SERVICES

- 13.1 Section 14 of the Education Act 1996 requires local authorities to provide sufficient schools for primary and secondary education in their area. Local authorities also have best value duties in the performance of their functions under the Local Government Act 1999.
- 13.2 The procedure for closing a school is set out in the Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, and the statutory guidance 'Opening and Closing Maintained Schools' (November 2019). The proposals set out in this report comply with the above legislation and guidance.

Linked Reports, Appendices and Background Documents

Linked Report

- 21st October Cabinet Report - Outcome of the consultation on the proposal for the closure of Shapla Primary School

Appendices

Appendix 1	Statutory (Public) Notice (2 nd stage consultation)
Appendix 2	Equalities Assessment
Appendix 3	Public Consultation Paper (1 st stage consultation)
Appendix 4	Summary Analysis on the Current Financial Position of Shapla School
Appendix 5	LA Five Year Primary Aged Pupil Projections for the West of the Borough
Appendix 6	Public Consultation (1 st Stage) Feedback Report
Appendix 7	Analysis of the Responses to the Statutory (Public) Notice (copies of all responses to the Statutory Notice can be found here)

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

The following document(s) has been used in the preparation of this report:

- 'Opening and Closing Maintained Schools – Statutory Guidance for Proposers and Decision- Makers' (November 2019) in conjunction with Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011
- The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

Officer contact details for documents: N/A