

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 St Matthias CE 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	3rd 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 St Matthias Church of England (CE) 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 St Matthias CE 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 then followed by the issuing of the statutory notice, alternatives were explored to support a sustainable future for St Matthias CE Primary School. These were considered in detail with both the London Diocesan Board for Schools (LDBS) and the School's Governing Body. However, upon further analysis none of these alternatives were considered viable. The 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 St Matthias CE 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 St Matthias 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 Assessment, before taking a decision on whether the council should proceed with the St Matthias 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 St Matthias CE Primary School. The main facts on the background to this decision, and current position of St Matthias, 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 St Matthias CE Primary School is a one form entry Church of England School for up to 210 pupils with additional nursery provision. The school comes under the auspices of the London Diocesan Board for Schools (LDBS). It is located at Bacon St, London, E2 6DY, in the Bethnal Green catchment area to the West of the Borough. The school has the capacity to take up to 30 pupils at the point of entry in reception. For the last few years, St Matthias has experienced low numbers of reception applications and the School's total roll has therefore 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 St Matthias 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 St Matthias pupil roll.

Year	Reception Offers	Planned Admission Number	% of Surplus Places
2016	16	30	47
2017	15	30	50
2018	14	30	54
2019	7	30	77
2020	14	30	54

- 5.4 The decline in the pupil roll at St Matthias is largely due to the population changes, where pupil numbers in Tower Hamlets are currently falling in the west of the borough. This now means that St Matthias School, along with some other schools, does not have sufficient children to fill its classes. Most year groups are currently operating at well below their planned capacity of 30.
- 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 ST MATTHIAS SCHOOL TO CLOSE

- 6.1 The significant fall in pupil numbers and the associated impact on the educational and financial viability of the School has led to this recommendation for closure. These underlying viability issues are the result of a growing and unrecoverable budget deficit, very low pupil numbers and reception year admission patterns that have been consistently low for a period of five years.
- 6.2 An analysis of the current financial position of St Matthias School is provided as Appendix 4. The School ended the previous financial year (2019/20) with a small surplus of 47k. However, its budget forecast for 2020/21 is an in-year deficit of 86k. Government regulations prevent a Local Authority (LA) from writing off school deficits so in-year balances must be added to those brought forward from previous years, giving a cumulative budget deficit at 1 April 2021 of 38k. This budget deficit is projected to increase year on year and reach a total of 516k 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 school 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 upon the data for the Bethnal Green area, the numbers of pupils starting primary schools in Bethnal Green is unlikely to increase in the near future. This indicates that there is no real prospect of recovery for the St Matthias School roll over the next few years.
- 6.5 The reasoning for the closure of St Matthias Primary School is therefore evidenced by:
- its falling pupil roll;
 - a budget deficit that will increase and the substantial risk to the continued provision of efficient 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 surplus places elsewhere in the local area, which can accommodate the displaced pupils.
- 6.6 Full consideration has been given to the wellbeing of the school community, including pupils, families and staff, and the support they will require if the recommendation for closure is approved. The need to ensure sustainable high quality education has been the primary consideration and provisional arrangements are already in place for pupils and their families. The impacts and risks are explored in this report and in the equalities assessment. Families have already started to look for new school places during the consultation period. Some have already decided to take up offers at other schools in and outside Tower Hamlets with the vast majority able to transfer to nearby schools.
- 6.7 The staff at St Matthias have remained throughout the period of this closure proposal to ensure the School's good running. A decision to close St Matthias will require them to apply for new jobs. LA officers, the LDBS 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 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 30th September 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 line with the Tower Hamlets guidance on public consultation processes during coronavirus. These methods along with the type of responses are explained in the first stage consultation report (see Appendix 6) as well as below.
- 7.3 Prior to the start of the consultation, the Local Authority's independent consultant held a series of preparatory meetings with St Matthias 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 July 2020 and updated in November 2020.
	Virtual Meetings 9.30 and 6pm 8 th July, 14 th September and 16 th November 2020
	Individual meetings in school on 5 th June 2020.
	Playground meetings on 8 th , 10 th and 18 th September 2020.
	Meetings with parents of children with EHCPs from the 18 th January 2021 onwards
School Staff	121 meetings offered 5 th June 2020
	Zoom meetings 8 th July, 14 th September, 17 th November 2020
Local Headteachers	Zoom meeting with HTs 24 th June, 12 th September, 18 th November 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 Three representations were received in response to the statutory notice. One from a CEO of a local academy trust in support of the proposal for St Matthias School to close. The other two from the Chair of the Spitalfields Trust and the Directors of Spitalfields Open Spaces. Both these organisations did not raise objection to St Matthias School closing, but a concern that Christchurch CE School was included as a potential destination for the displaced St Matthias pupils. These organisations were concerned that should nursery pupils at St Matthias transfer to Christchurch it could result in a delay to the removal of a building adjacent to the Christchurch School site, which is being used by Christchurch for its early years provision and is due for demolition following an earlier court ruling on a planning dispute. Copies of the full responses can be viewed [here](#)
- 8.2 The Local Authority has responded to both the Spitalfields Trust and Spitalfields Open Spaces to confirm that the requirements of the court ruling would not be affected by the potential for some of the eight nursery pupils at St Matthias to move to Christchurch, particularly as most of these children would be starting the reception year in the main primary School by September 2021 or 2022 at the very latest. There is no need for the LA to seek to increase the capacity at Christchurch

School or any other local schools to accommodate the St Matthias pupils, given that there is already sufficient provision locally for these children.

- 8.3 The council has now addressed all of the points raised in response to both the statutory notice and the earlier public consultation, neither of which presented options as an alternative to school closure. Prior to issuing proposals for the closure, the St Matthias School governing body and LDBS did consider alternatives, which included the possibility of a hard federation or amalgamation with a neighbouring Church of England School. This work was supported by the LA's independent consultant. The closer analysis of this possible alternative determined that it would not be possible, in the context of the significant funding, accommodation and other constraints.

9. TIMETABLE FOR IMPLEMENTATION OF SCHOOL CLOSURE

- 9.1 If the decision is made for St Matthias to close, the timetable for implementation will be as follows:

Mid- March 2021	A formal staff consultation will be issued.
April 2021	Pupils who families choose for them to move 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 St Matthias 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	St Matthias 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 St Matthias at the start of the school year (Oct 2020) and the numbers at January 2021. *The Local Authority has informed parents that the children should remain at St Matthias 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 1st Oct 2020	In-Year Transfers*	Roll as at 4 Jan 2021
N	8	0	8
R	14	3	11
1	12	2	10
2	17	3	14
3	12	3	9
4	19	4	15
5	13	2	11
6	26	1	25
Total	121	18	103

- 9.3 The Local Authority, working with St Matthias and neighbouring schools, will ensure that the remaining 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 that they are able to make a successful transition.

10. EQUALITIES IMPLICATIONS

10.1 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 St Matthias CE Primary School.

10.2 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

11.1 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.

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

11.2 The LA, LDBS and School Governing Body is 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 schools' 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 LA. In the case of this School's closure the deficit balance will transfer to the council.

11.4 Closure of St Matthias 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 an efficient use of resources across all schools.

(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 St Matthias 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 St Matthias School
Appendix 5	LA Five Year Primary Aged Pupil Projections for the West of the Borough
Appendix 6	Public Consultation (1st Stage) Feedback Report

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