


Cabinet	 TOWER HAMLETS
29 January 2020	
Report of: Debbie Jones, Corporate Director, Children's Services	Classification: Unrestricted
<ul style="list-style-type: none"> • Outcome of informal consultation on the proposed amalgamation of Guardian Angels and St Anne's Primary Schools • Guardian Angels and St Anne's - decision on publication of statutory notice 	

Lead Member	Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People
Originating Officer(s)	Terry Bryan, Service Head (Pupil Services and School Sufficiency)
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	
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.
Reasons for Urgency	An urgent decision is required so that the council can begin the statutory process of consultation on the amalgamation of the two schools, in order to reduce the period of uncertainty for the school community and particularly the staff. A decision to undertake the statutory process of consultation during February, as recommended in this report, will enable a final decision to be made by Cabinet on the 25th of March. This would ensure sufficient time to undertake any subsequent statutory re-organisational processes with staff within an appropriate timeframe and to have staffing in place for the start of the new academic year on the 1st of September 2020. A delay will prolong the period of uncertainty for the school community and may impact on the ability of the school leadership to make a positive start to the new school year.
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
<p>This report presents the outcomes of the preliminary stakeholder consultation (pre-statutory) relating to the proposal to amalgamate (merge) Guardian Angels and St Anne's Catholic Primary Schools to establish a single two form entry (60 places) primary school for ages 3 - 11 years, from September 2020. The new school will be located on the current site of St Anne's Primary school.</p> <p>The report explains the background and reasons for the first stage of the consultation and the responses received with the views of parents, pupils, staff and the general public.</p> <p>It also sets out the risk implications and how these will be managed through the various stages of the process.</p>

RECOMMENDATIONS:

It is recommended for the Mayor in Cabinet to:

- a) Consider the outcome of the pre-statutory consultation on the proposals to close Guardian Angels Primary School with the displaced pupils being accommodated by St Anne's Primary School as set out in the report; and
- b) Agree to proceed to commence a four-week statutory consultation on the proposal to close Guardian Angels Primary School with the displaced pupils being accommodated by St Anne's Primary School from **September 2020**.

1. REASONS FOR THE RECOMMENDATIONS

- 1.1 There is significant concern over the long-term sustainability of primary schools in certain parts of the borough, in terms of their falling rolls and the resultant risk to their financial stability. The former is a result of demographic changes in the borough where the local demand for school places has fallen and is projected to remain broadly static until 2026/27 and possibly beyond. More detailed analysis on falling rolls in the local area can be found in the Annual Report on Planning for School Places, which was presented to cabinet on 30th October 2019 and can be viewed [here](#).
- 1.2 The Council has a duty of care to ensure children in its schools are able to receive a high quality education with access to a full curriculum. A school with a declining roll will be challenged to do this effectively because of inevitable financial pressures from reduced funding.
- 1.3 Pupil numbers in both schools and at other schools in the Stepney and Bethnal Green catchment area are currently falling. This means that Guardian Angels and St Anne's schools will not have sufficient reception numbers to fill three forms of entry from September 2020 and they are also starting to see vacancies in other year groups. As pupil numbers fall, this affects the schools' budgets as they will get less money to educate their children, pay salaries and manage the upkeep of their buildings. Both schools already work closely together and engage in joint planning and these factors provided an incentive for their governing bodies to consider becoming a single primary school.

2. ALTERNATIVE OPTIONS

- 2.1 An alternative option would be for the schools to remain as separate institutions. However, this option would not resolve the underlying viability issues described in paragraphs 1.2 and 1.3 of this report.

3. DETAILS OF THE REPORT

- 3.1 The purpose of the report is to inform the Mayor in Cabinet of the outcome of the first (informal) stage of the consultation process to amalgamate (merge) Guardian Angels and St Anne's Catholic Primary Schools to form a single two form entry (60 places) primary school for ages 3-11years, from **September 2020**.
- 3.2 Following consideration of the outcome of the first stage of consultation, the Mayor in Cabinet is asked to consider whether he wishes to proceed to the next stage of the consultation, which is the 'statutory representation period'. This would involve the publication of a statutory notice. If agreed, the proposed publication date for the notice would be **2nd February 2020**.

4. INTRODUCTION

- 4.1 During the summer term 2019, in the cabinet paper 'Annual Report on Planning for School Places' the Mayor was informed that as a consequence of the primary review, the Catholic Diocese and the LA recommended a proposal for amalgamation of Guardian Angels and St Anne's Primary Schools. On the 17th October 2019, Governors from both schools met jointly and voted to support the proposal to undertake an initial, informal, consultation with their communities on a proposal for the schools to amalgamate.

Informal consultation on the amalgamation (and the reduction of 20 places across both schools), of Guardian Angels and St Anne's took place from **8th October to 13th November 2019**. The outcome of the informal consultation would be reported to the Mayor for a decision to be taken in respect of publishing a statutory notice in respect of this proposal, if taken forward.

- 4.2 The main facts on the background to this decision, and current position of Guardian Angels and St Anne's Schools, are set out below, with the detailed information from the consultation paper (Attached as Appendix 1).

5. BACKGROUND

- 5.1 The Local Authority (LA) has been undertaking a review of its primary school places to identify long-term solutions that would reduce the significant number of surplus places in the west of the borough, whilst ensuring that schools remained financially sustainable and able to maintain high quality education.
- 5.2 The initial findings from the review identified that a number of schools were already facing significant reductions in their pupil roll and therefore financial challenges. The review included an independent consultant working with schools to develop proposals for organisational changes, based on a set of principles agreed with the stakeholder advisory group overseeing the review process.
- 5.3 The consultant's report on the first part of this process ('Future Ambitions') recommended a new model of school organisation based on 'educational communities'. Under this model, groups of neighbouring schools would work together to reduce the number of school places in their local area as well as optimise their resources and potential to deliver excellent education. It included schools exploring options, such as amalgamation, hard federation and the possibility of relocation to new primary school sites planned for the pupil growth that is expected in the east of the borough. The options also, reluctantly, included the LA and school leaders considering potential school closures, in cases where it was evident that the continuance of the school was no longer viable or financially sustainable and, where a decision to keep it open would have a negative impact on pupils' progress and attainment.
- 5.4 The process of the review was designed to enable school leaders to find their own solutions and work towards these with the support of the LA and the independent consultant. It has therefore provided better options to further develop partnerships and meaningful collaborations between schools, with the opportunity for genuine gains in shared learning and professional development as a result. The key involvement of the Tower Hamlets Education Partnership (THEP) to complement this approach supports the LA's ambitions as it continues to work towards a productive school system that has professional learning and improvement at its front and centre.

6. DETERMINING THE PROPOSAL FOR AMALGAMATION

- 6.1 Guardian Angels and St Anne's are two of the eight Roman Catholic schools in Tower Hamlets. Catholic schools work together to serve the Catholic communities in the borough. There are currently 345 places for children in each year group across the Catholic schools however, only approximately 290 places are filled. St Anne's was identified as 'in scope' of the primary review as a result of falling rolls. However, strong

leadership and governance, coupled with good financial management meant that the school has remained financially viable. Guardian Angels has been supported by the headteacher from St Anne's since Spring 2019, following the resignation of the headteacher and Chair of Governors at Guardian Angels. Guardian Angels has a substantial budget deficit of around £300,000 and would be unable to replay any loan owing to falling numbers and therefore financial instability. In view of this, it was agreed that Guardian Angels would also be brought into the review. The Diocese, and the schools' leadership began to explore how best to plan for continuity of provision of quality education to children, whilst recognising the financial situation at Guardian Angels school. As Catholic schools serve the Catholic communities, it was agreed as most appropriate to consider partnerships amongst groups of Catholic Schools. This view was supported by the LA. Across the Catholic Estate reception vacancies last year were running at 18%, (61 unfilled places out of 345 available). As is the pattern across Tower Hamlets vacancies in Catholic Schools in Bethnal Green and Stepney are highest – at 40% across 3 schools, including St Anne's and Guardian Angels.

- 6.2. As Guardian Angels and St Anne's schools are led by an Executive Headteacher, and already working in partnership, it was recommended that governing bodies of both schools consider how their partnership could be strengthened to provide affordable, sustainable quality catholic education.

- 6.3. The schools established a Joint Steering Group (JSG) to consider the implications of the review and the opportunities for further collaboration to ensure their sustainability. The JSG consisted of the Chairs, Deputy Chairs of the Governing Bodies and Headteachers from both schools. It was supported by the Independent Consultant and an advisor from the THEP. The work of the JSG led to the development of the idea for a potential amalgamation. All documents shared with governors, parents and other stakeholders as part of this process have been signed off by JSG, and agreed by the Diocese and the Local Authority.

- 6.4. A grid of all possible options was presented at individual schools' Governing Body meetings on the 8th October 2019, for Governors to consider which option/s they wish to explore further. A letter was sent out to parents on the 10th October 2019 advising them of the proposal. An Extraordinary Joint Governing body meeting was further held on 17th October 2019, where the independent consultant (Helen Jenner) presented a summary of the options, including her analysis of risk and opportunities they present. This was followed by a joint Q and A session. The two Governing Bodies then met separately to consider the proposals. Both Governing Bodies agreed to consult in the Autumn Term 2019 on whether, or not, the two schools should consider an amalgamation. This information was shared with parents and staff. Catholic Headteachers were also briefed as the proposals would impact on the Catholic School community as a whole.

7. CONSULTATION

- 7.1 During the Summer Term 2019, the Tower Hamlets "Family Matters" newsletter contained information on the Primary Review and at the end of the Summer Term, the Council asked all schools to circulate a letter about the Primary Review to parents. Guardian Angels and St Anne's Schools both circulated the letter to parents.
- 7.2 A consultation document was prepared and agreed with the Catholic Diocese and the Local Authority and informal consultation commenced on 4th November 2019 to 13th December 2019. The consultation document was given in paper copy to all parents, circulated to Tower Hamlets Headteachers, through the Headteacher's Bulletin, emailed to staffing unions, and the Secretary of State has been notified of potential changes. Information about the consultation was also placed on the schools' websites. Meetings were held for school Union Reps (13th and 14th November 2019) and parents (13th, 14th and 20th November 2019). Children were given the opportunity to discuss the proposal in Assemblies. Information was also posted at the schools, published on the schools' websites, shared via parents newsletters and made available at St Anne's and Guardian

Angels Churches. Posters advertising the Local Authority “Future Ambitions Drop-In”, held on 11th December 2019, were displayed at the entrances to both schools, though no parent or staff from the school attended the Drop-In. The full consultation document and Frequently Asked Questions document will be made public in late January 2020.

- 7.3 Reports on the consultation feedback for each school are included in Appendix 2. Responses from the different forms of the consultation were summarised and presented by the independent consultant at a joint Governing Body meeting on the 16th December 2019. A letter was sent to parents and staff from both schools, to advice of the outcome of the consultation and next steps. Both schools Governing Bodies reported that feedback from the consultation was largely positive despite understandable concerns parents at Guardian Angels have about what will be a significant change for their children and their families. Some of the concerns raised were around transport for Guardian Angels Children to attend St Anne’s, school uniform, a new name for the new school, staff structure, organisation of classes and the future use of the Guardian Angels site.

As Guardian Angel and St Anne’s are both Roman Catholic schools, therefore the religious provision children will receive in the event of an amalgamation will not change. Both schools are located in two different localities / catchments in the borough. Guardian Angels is located in the Stepney catchment area 1 whilst St Anne’s is located in the Bethnal Green catchment area 6. For majority of the Guardian Angels children, the travel distance to St Anne’s would be longer. The Diocese and schools’ leadership and the LA are working together to explore possible option to minimise the potential impact of the travel distance on children. For instance, infant children living more than 2 miles away, and junior children living more than 3 miles away from St Anne’s would be eligible for a Local Authority travel grant, though it is expected that some parents may wish to transfer to other Catholic or non-Catholic schools closer to their homes

- 7.4 Appendix 2 provides an analysis of the consultation responses.

8. CURRENT POSITION

- 8.1 Should the Mayor agree for the Council to formally consult on the amalgamation of Guardian Angels and St Anne’s Schools, the statutory process to achieve this involves the ‘technical closure’ of Guardian Angels School and the expansion of St Anne’s School to 2FE from the 31 August 2020 as follows

Stage	Description	Timescale	Comments
1.	Publication of Statutory Notice	1 day	Propose to publish statutory notice on 3rd February 2020 . Publication of the statutory notice commences the statutory Representation Period. Within 1 week of the date of publication, the Proposer must send a copy of the full proposal to the governing bodies, Secretary of State, the CofE and RC Dioceses, Council of Mosques and any other body or person that the Proposer considers appropriate.
2.	Representation	Four weeks from date of publication of Statutory Notice	Representation Period to end 2nd March 2020 . Formal consultation of statutory and other stakeholders: <ul style="list-style-type: none"> • Governing Bodies • Parents of pupils at the schools • Teachers and staff at the schools • Any LA likely to be affected, including neighbouring authorities where there is significant cross border movement of pupils

			<ul style="list-style-type: none"> • Governing bodies, teachers and staff of any other school that might be affected, including any feeder schools and schools to which pupils may be dispersed • Trades Unions • MPs for the constituencies of the school(s) that are subject to the proposal or whose constituents may be affected. • Any other interested organisation/person that the proposer considers appropriate. • During the Representation Period, any person or organisation can submit comments to the LA on the proposal to be taken into account by the Decision Maker. Any requests for a copy of the full Proposal must be sent out to the person requesting it within 1 week of receiving the request.
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3.	Decision	LA should decide within 2 months, otherwise, it must be referred to the Schools Adjudicator	<p>Key Decision</p> <p>March 2020</p> <p>Formal report to Cabinet setting out a summary of representations received and any responses made, risks and opportunities, officers recommendations and decisions available to Cabinet (approve without modification, approve with modifications, approve (with or without modification) subject to conditions as specified in the Establishment and Discontinuance Regulations, or reject)</p> <p>The timescales for publication of the Notice and conclusion of the Representation Period will identify the 2 month decision making period. The decision is proposed to be taken at Cabinet on 25th March 2020.</p>
4.	Implementation	No prescribed timescale however the date of implementation must be specified in the published notice, and is subject to any modifications imposed by the Decision Maker Consideration can be given in the Proposal for phased implementation plan for closure and impact	<p>It is proposed to implement the closure as follows:</p> <p>May - September 2020</p> <p>Guardian Angels School is closed from 31st August 2020 and the displaced pupils will move to St Anne's' School from the 1st September 2020.</p>

		upon pupils taking or due to take statutory examinations during the phases of implementation	
5.	Closure	Proposed closure date	Guardian Angels School officially closes on the 31st August 2020.

8.2 It should be noted that if the decision is made to close Guardian Angels school, there will be an actual closure of the Guardian Angels school buildings. Provision will be made for all the children from Guardian Angels school to continue their education at the St Anne's school buildings as they become one school, if that is the preference of parents. As the Diocese is the sole owner of the Guardian Angels site, the LA is in discussion with the Diocese on the use of the building and site once the school closes.

8.3 The expanded 'St Anne's' School will retain its existing DfE registration, but to mark the start of the newly amalgamated school, the governors of both schools are proposing that when the new school opens in September 2020 it should have a new name.

9. **EQUALITIES IMPLICATIONS**

9.1 The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination, advance equality and to foster good relations.

9.2 The proposed representation period will involve a broad range of stakeholders and a thorough Equalities Impact Assessment has been undertaken to ensure that equality and diversity issues are represented and considered to ensure the fair and equal treatment of pupils and staff in both Guardian Angels and St Anne's Schools. (Attached as Appendix 3).

10. **COMMENTS OF THE CHIEF FINANCIAL OFFICER**

The table below summarises the financial position for each school from the 2018-19 actual to the latest projection for the current year informed by the Budget Monitoring Return approved by the head teacher and governing bodies.

School	1 2018/19 Surplus / (Deficit) B/F	2 Original 2019- 20 Income Estimate	3 Original 2019- 20 Expenditure Estimate	4 Projected 2019-20 Deficit (3 - 2)	5 Q2 BMR Approved by Headteacher	6 Q3 BMR Approved by Headteacher	Summary
Guardian Angels	-160,268	1,397,359	1,465,715	-68,356	-234,004	Not provided	-234,004
St Anne	180,778	1,932,309	1,992,001	-59,692	192,538	159,675	159,675
Total	20,510	3,329,668	3,457,716	-128,048	-41,465	159,675	-74,328

Only Guardian Angels provided a three year financial projection agreed by the governing bodies at the start of the 2019-20 financial year. This revealed a continuing in year deficit of £195,605 and £222,330 for 2020-21 and 2021-22 respectively. St Anne's did not complete a three year projection for these future years.

Taken together the overall deficit is projected to be £74,328 for 2019-20. Any financial benefits arising from amalgamation are as yet unidentified and therefore not reflected in the above figures.

10.2 The changes, if agreed, will establish a single two form entry (60 places) primary school for ages 3 -11 years, from September 2020. The new school will be located on the current site of St Anne's Primary School.

The changes, if agreed, will take place after April 2020 and therefore each school will receive its own budget share for 2020-21. If Guardian Angels close in August 2020 its governing body will receive 5/12th of the budget share. The remainder of its share will pass to St Annes School.

The transferred share will include the pro-rata value of the full lump sum (provisionally £135k). In 2021-22 transitional arrangements will apply that guarantee Guardian Angels school 85% of the former combined lump sums (lump sum plus £95k). No automatic transitional arrangements apply to 2022-23 but an application to extend arrangements for a further year can be made to the Secretary of State for Education.

- 10.3 Tower Hamlets' Scheme for Financing Schools sets out the arrangements for the balances of closing schools, in summary this states, in Section 4.8, that:

When a school closes any balance (whether surplus or deficit) shall revert to the LA; it cannot be transferred as a balance to any other school, even where the school is a successor to the closing school.

However, the formal consultation document relating to school re-organisation may set out any arrangements for allocations to schools that have the effect of giving them the benefit of additional sums that are less than or equal to but not more than the balances of the relevant closing schools.

Any extra payments to a new school that is the successor to one or more schools that are closing may be abated in full or in part to no more than the extent the predecessor school or schools closed with a deficit balance.

11. COMMENTS OF LEGAL SERVICES

- 11.1. Under section 15 of the Education and Inspections Act 2006 ("the 2006 Act"), a Local Authority can propose the closure of all categories of maintained school. The statutory process is set out in Part 4 of the 2006 Act. It is a detailed process that will require the publication of statutory proposals for the school's closure. As well as the provisions in the 2006 Act, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 must be followed and the LA must have regard to the statutory guidance – Opening and closing maintained schools ("the Guidance")
- 11.2. The reasons for closing a maintained school include, but are not limited to, where the school is no longer considered viable, or there is no predicted demand for the school in the medium or long term, or it is to be "amalgamated" with another school. The report sets out relevant reasons.
- 11.3. The report recommends that following the pre-publication consultation which has been carried out, a decision is taken to publish a statutory notice and proposal ('statutory publication') for the closure of Guardian Angels School. The pre-publication consultation has been carried out at a formative stage, when responses can be taken into account in the development or taking forward of the proposals and before taking the decision about whether to publish the statutory notice. Cabinet must take the outcome of the consultation conscientiously into account in taking a decision about whether to progress to statutory publication.
- 11.4. If a decision is taken to publish the statutory notice, the statutory representation period runs for 4 weeks from the date of publication. The draft notice at Appendix 1 complies with the statutory requirements. The statutory proposal should be published within 12 months of the initial consultation.
- 11.5. The LA can publish a proposal to close one school (Guardian Angels) and enlarge or transfer site (following the statutory process) of an existing school (St Anne's) to accommodate displaced pupils. The report includes consideration of proposals to expand St Anne's School to make available places for the pupils by the potential closure of Guardian Angels. The expansion is supported in principle by the governing body of

both schools. The process detailed in the School Organisation (Prescribed Alteration Maintained Schools) Regulations 2013 must be followed for proposals including the expansion of a school, together with the associated guidance.

- 11.6. The report indicates that the proposed closure of Guardian Angels and expansion of St Anne's School are related proposals and this should be explained in the consultation and the publication of any subsequent statutory proposals.

Employment considerations

- 11.7. The proposal for closure of the school may lead to the staff being made redundant. A dismissal for redundancy purposes is defined in section 139 of the Employment Rights Act 1996 and includes circumstances where an employee is dismissed for reasons wholly or mainly attributable to the fact that the employer has ceased or intends to cease to carry out the business for the purposes of which the employee was employed. By section 135 of the Employment Rights Act 1996 an employee is entitled to a redundancy payment if the employer dismisses the employee by reason of redundancy. Separate consultation with staff regarding any school closure, redundancy situation or amalgamation will be required, if the proposals are taken forward. Guardian Angels should follow its redundancy and redeployment process.
- 11.8. The impact of TUPE provisions may need to be considered later depending upon the final proposals including decisions about amalgamation.

Equality considerations

- 11.9. When deciding whether or not to proceed with these decisions the Council must also have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristics and those who do not (the public sector equality duty).
- 11.10. In light of both schools being designated as Roman Catholic schools, the equality impact assessment has had particular regard to the impact on the religious needs of the affected children, parents and staff and balance of denominational provision in the area. It is essential that the Cabinet considers the appended Equalities Impact Analysis in detail before taking a decision in respect of proceeding with publication of a statutory notice.

12. OTHER STATUTORY IMPLICATIONS

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.

13. ONE TOWER HAMLETS CONSIDERATIONS

- 13.1 The LA has to plan for the overall social infrastructure to meet the needs of its local population. This informs the development of the council's asset management and service planning to ensure that the necessary infrastructure is in place and that any competing issues are properly balanced.

14. BEST VALUE (BV) IMPLICATIONS

- 14.1 This report confirms the benefits of amalgamation to the schools' future financial viability, given that the schools' budgets are based upon pupil numbers.

15. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 15.1 There is no sustainability or environmental implications arising out of this report. Any environmental and sustainability implications arising from the representation period will be duly considered.

16. RISK IMPLICATIONS

- 16.1 Continuation of the consultation process will be carefully managed and evaluated in line with statutory guidance and taking account of the views of consultees in order to minimise and mitigate risks.
- 16.2 It will be important to ensure an effective transition of pupils to minimise any impact. The Local Authority is working with Guardian Angels and St Anne's schools to support them in mitigating this risk.
- 16.3 Any delay to a decision on the amalgamation is likely to further exacerbate the impact on the schools, their pupils and staff. The continuing decline in pupil numbers leads to greater financial challenges adversely affecting a school's staffing and its ability to deliver a full and balanced curriculum. The timetable and transition arrangements set out at Stage 5 in paragraph 8.1 are proposed to mitigate this risk.

17. SAFEGUARDING IMPLICATIONS

- 17.1 The report deals with the Council's approach to providing school places for the local population. The supply of school places contributes to the safeguarding of children by ensuring their early access to 'good quality' and sustainable education provision.

Linked Reports, Appendices and Background Documents

Linked Report

30th October Cabinet Report on Planning for School Places 2019 /20 - Review and Recommendations

Appendices

- Appendix 1 Public consultation paper, further information and response form
- Appendix 2 Reports on the feedback to the informal public consultation for each school, and An analysis of the consultation responses
- Appendix 3 Equalities Impact Assessment
- Appendix 4 LA Pupil Projections 2018-2028

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

- None

Officer contact details for documents: N/A