


<b>Cabinet</b>  21 October 2020	 <b>TOWER HAMLETS</b>
<b>Report of Corporate Director Children's and Culture</b>	<b>Classification:</b> Unrestricted
<b>The proposal for the amalgamation of Cubitt Town Infants' and Cubitt Town Junior Schools</b>	

<b>Lead Member</b>	Councillor Danny Hassell, Cabinet Member for Cabinet Member for Children's and Culture Services
<b>Originating Officer(s)</b>	Terry Bryan, Service Head for Pupil Access and School Sufficiency and Ikwi Mkparu, School Organisation Manager
<b>Wards affected</b>	Blackwall and Cubitt Town Ward
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	7 <sup>th</sup> July 2020
<b>Reason for Key Decision</b>	Impact on Wards
<b>Strategic Plan Priority / Outcome</b>	A better deal for children and young people: aspiration, education and skills

### Executive Summary

Formal consultation has been carried out on the proposal to amalgamate Cubitt Town Infant's School and Cubitt Town Junior School into an all-through 3 to 11 years' primary school, with effect from 1<sup>st</sup> September 2021. The consultation process was carried out during the period 8<sup>th</sup> June to 17<sup>th</sup> July 2020. A Consultation Report describing the findings is attached as Appendix 1. The Report has also been published on the Council and schools' website. This report references those findings and makes a recommendation to move to the publication of a statutory notice in respect of this proposal. During the statutory notice period, legal objections can be set by any consultee, which would need to be considered before any final determination is taken.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. The recommendation is to move to the publication of a statutory notice for 28 days, in respect of the proposal to amalgamate Cubitt Town Infants and Junior Schools into an all-through 3 to 11 years' primary school. This would take effect from 1<sup>st</sup> September 2021.
2. To note the Equalities Assessment as set out in Section 4 and attached as Appendix 2.

## **1 REASONS FOR THE DECISION**

- 1.1 The recommendation is made in order to determine the Council's response to the proposal for the amalgamation of Cubitt Town Infants' and Cubitt Town Junior Schools.
- 1.2 The proposal to combine the schools has been put forward following the planned retirement of the headteacher of Cubitt Town Infants' School and after the schools governing bodies considered it was now the right time for the two schools that work closely together to become a single 3-11 Primary School.
- 1.3 The amalgamation would be achieved through the technical closure of Cubitt Town Infants School and the expansion of the age range of Cubitt Town Junior school, to accommodate the displaced pupils. The remaining primary school (3-11) would retain its original school Department for Education (DfE) number, as it is not a new school, even though its phase has changed.
- 1.4 In line with the DfE guidance (November 2019), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', a public consultation has been undertaken, and a report on the outcome of the consultation has been published on both the Council and Schools' websites.
- 1.5 This Report includes feedback on the representations received following the first publication of the proposals on the 8<sup>th</sup> June 2020.

## **2 OPTIONS AVAILABLE**

- 2.1 **Option 1:** to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further opportunity for consultees to have their say and set legal objections against the proposal.
- 2.2 **Option 2:** not to move to the publication of a statutory notice, but to cease the proposal after the formal consultation period. This would mean not concluding the full statutory consultation process in order to take the decision to establish the newly amalgamated school.
- 2.3 Option 1 is preferred as it takes the proposal to the next stage in the full statutory consultation process. It allows consultees further opportunity to fully consider the proposal during an additional 28 day period and before the Mayor (in Cabinet) is required to make a final determination.

## **3 DETAILS OF THE REPORT**

- 3.1 Following a formal consultation period from the 8<sup>th</sup> June to the 17<sup>th</sup> July 2020, it was appropriate to publish a Consultation Report on the findings, which

enables a decision to be reached on whether to move to the next stage of the school organisation process, which is to publish a statutory notice. (Appendix 5). A copy of the Consultation Report is attached at Appendix 1.

- 3.2 Due to coronavirus it was not possible to hold the preferred method of public and parents' meetings regarding the consultation. However, several alternative methods were offered (in line with the Tower Hamlets consultation processes during coronavirus guidance for schools' consultations) and these methods along with the type of responses are explained in the Consultation Report.
- 3.3 The Consultation Report acknowledges that there was little response to the consultation, however, the informal feedback was very positive. Staff, children and parents view the amalgamation as a natural next step for the two schools and an opportunity to further improve the quality of education provision.
- 3.4 Based on the informal feedback about the proposal, the positive opportunities it brings, and the lack of any issues that could be viewed as concerns raised, the report recommends for the Council to issue statutory notices, with the support of both School Governing Bodies.

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 When making decisions the Council must act reasonably and rationally. It must only consider relevant information and consult those affected, taking into account their views, before final decisions are made. It must also comply with its legal duties, including relating to equalities.
- 4.2 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").
- 4.3 An Equalities Assessment has been conducted by the LA and is attached at Appendix 2. It will be updated in view of the responses to the statutory notice and its representations. This assessment must be considered in detail when the Cabinet considers the matters above, as part of its decision on whether the two schools should amalgamate.
- 4.4 Governors and LA officers have considered carefully whether changes may affect groups disproportionately. They will continue to work with Trade Unions to ensure that planning for any staff changes are fair and equitable and in line with agreed policies, including the Council's School Organisational Change Procedure attached as Appendix 4.
- 4.5 The equalities assessment to date has found that there are no obvious equalities issues arising from this proposal, either for staff, parents or children.

## **5 OTHER STATUTORY IMPLICATIONS**

### (i) Managing the Impact of the Amalgamation on School Staff

- 5.1 The LA and School Governing Bodies are working together to support the schools' staff through this change. A formal staff consultation will only take place once the final decision has been made on the schools' amalgamation. However, given that the financial position of both schools is strong, any necessary staff changes for September 2021 will be managed through natural wastage.

### (ii) Best Value Implications

- 5.2 The Local Authority has a duty to ensure that governors 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 supports the sustainability of high quality education for the children as it will maximise the available resource and space as well as ensure the pooling of the significant experience and expertise that exists in both schools.
- 5.3 The proposal does not have any significant mainstream revenue or 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 amalgamation the Statutory Notice will make clear that any remaining balances from the closing school (Cubitt Town Infants) would be transferred to Cubitt Town Juniors on the last business day of its operation.
- 5.4 Closure of Cubitt Town Infants School will release the annual lump sum element for the school from the Delegated School's Budget, (at a sliding rate over 2 years). This money reduces the pressure on the DSG that is caused by having a large number of smaller schools and provides better value for money across the school estate.

### (iii) Environmental (including air quality)

- 5.5 There are no environmental issues arising from this proposal.

(iv) Risk Management

5.6 **School Organisational Change Proposal**

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Failure to move to statutory notice	L	L	This risk has been mitigated by carrying out a full and public statutory consultation process, which includes a 39 day informal consultation before moving to publication of a statutory notice for 28 days	Director of Children and Culture (Service Head for Pupil Access and School Sufficiency)

5.7 **Revenue Implications:**

In the event of amalgamation of the Infant and Junior school, savings should be generated with regard to employee-related costs as a result of leadership and administration and as a result, a lump sum payment will be lost to the school, as both prior schools will have received a lump sum payment.

Based on the current formula an amalgamated school will generate the same amount of Age Weighted Pupil Unit funding. There will however be a reduction relating to the formula lump sum paid.

Under the authority's formula distribution, a lump sum payment is made available to all new and amalgamating schools in the first financial year of opening. Any costs of redundancies as a result of the process would be met by the Local Authority.

This amalgamation process is being taken forward by extending the age range of the Junior School to become the new all-through primary and closing the Infants School, therefore the following actions will take place. On amalgamation, the balance of the school to be extended will be retained by the new all-through primary and all other balances (surplus or deficit) will be allocated against the amalgamated primary school budget. The budget of the new school will have financial adjustments to fall in line with typical budgets for that size school.

- 5.8 If this recommendation is agreed, continuation of the statutory consultation process will be carefully managed and evaluated in line with statutory guidance, taking account the views of stakeholders and the further findings from the Council's Equalities Assessment.
- 5.9 It is proposed to amalgamate the two schools from September 2021. This gives further opportunity to ensure that children, parents, and staff are engaged in the process and full prepared for the change.

(v) Safeguarding

- 5.10 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 early access to 'good quality' and sustainable education provision.

(vi) Data Protection / Privacy Impact Assessment

- 5.11 The proposals presented in this report have followed a full public consultation. 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.
- 5.12 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.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 At the end of 2019/20 Cubitts Town Infants reported a provisional school balance of £185k and Cubitts Town Juniors a balance of 240k. The Infants school has reported that it is likely to be in a deficit position by the end of 2021/22. However, this position requires validation.
- 6.2 Close budget monitoring of the infants school will need to be undertaken, to ensure that it does not move into a deficit position.
- 6.3 The changes, if agreed, will take place after April 2021 and therefore each school will receive its own budget share. If the infants school closes on 31<sup>st</sup> August 2021, the Junior school will receive 7/12<sup>th</sup> of the closing schools budget share. The transferred share will also include the pro rata value of the lump sum.
- 6.4 The Scheme for Financing Schools sets out the arrangements for the balances of closing schools.

*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.*

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 Section 14 of the Education Act 1996 requires local authorities to ensure that sufficient schools providing primary and secondary education are available for their area.
- 7.2 The School Organisation (Prescribed Alterations to Maintained Schools (England) Regulations 2013 set out the procedure for altering the lower age limit of a community school. The statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools' (October 2018) and Part 2 of the Education and Inspections Act 2006 set out the procedure to be followed when changing the age range of a school. The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the statutory guidance 'Opening and Closing Maintained Schools' (November 2019) set out the procedure for closing a school.
- 7.3 When carrying out its duties under the above legislation the local authority must be mindful of its duties under the Equalities Act 2010, and of its duty under section 3 of the Local Government Act 1999 to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.4 The proposals set out in this report comply with the above legislation and guidance.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

None

### **Appendices**

- Appendix 1 Consultation Report on the Responses to the Proposal for the Amalgamation of Cubitt Town Infant' and Junior Schools
- Appendix 2 Equalities Assessment
- Appendix 3 Consultation Document on the Proposal for the Amalgamation of Cubitt Town Infant' and Junior Schools

- Appendix 4 Council's HR Organisational Change Procedure
- Appendix 5 Statutory Notice

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

None

**Officer contact details for documents:**

Or state N/A