


<b>Cabinet</b>  3 March 2021	 <b>TOWER HAMLETS</b>
<b>Report of:</b> James Thomas, Corporate Director, Children and Culture	<b>Classification:</b> Unrestricted
<b>Report on the outcome of representations received in response to the statutory (public) notice to amalgamate Cubitt Town Infants and Junior Schools</b>	

<b>Lead Member</b>	<b>Councillor Asma Begum, Deputy Mayor for Children, Youth Services and Education</b>
<b>Originating Officer(s)</b>	Terry Bryan, Service Head (Pupil Services and School Sufficiency) Ikwi Mkparu, School Organisation and Place Planning Manager
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	3 <sup>rd</sup> December 2021
<b>Reason for Key Decision</b>	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.
<b>Strategic Plan Priority / Outcome</b>	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 for the amalgamation (merger) of Cubitt Town Infant and Cubitt Town Junior Schools. This would create a single three form entry primary school and require the closure of Cubitt Town Infants School.

It recommends for the cabinet to consider a decision on whether or not to formally proceed with plans for the schools amalgamation that would take effect from the 1st April 2022.

## **RECOMMENDATION:**

The cabinet is recommended to:

1. Consider the report and supporting documentation, particularly the statutory notice at Appendix 1 and the Equalities Assessment at Appendix 2, along with any comments and or objections made by respondents to the Statutory Notice.
2. Agree to proceed with plans for the amalgamation (merger) of Cubitt Town Infants and Junior Schools into an all-through 3 to 11 years' primary school to be completed by 1st April 2022.

### **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 following the recent retirement of the headteacher of Cubitt Town Infants' and after the schools governing bodies considered it was now the right time to join together to become a single 3-11 Primary School. The amalgamation is also considered in view of the earlier Ofsted Inspection, where Cubitt Town Infants was found to 'require improvement' with emphasis on the school needing to improve its leadership and management. In contrast the Junior School is rated as 'good' with a determined and strong leadership team that works well together. The proposal for an amalgamation of the two schools has been put forward
- 1.3 An amalgamation will also enable the better use of educational resources including teaching and non-teaching staff. In terms of management and administration, it will avoid duplication, improve efficiencies and maximise resources. Having a single governing body to drive the school's strategic planning and monitor whole school development will ensure robust accountability and provide a single school at the heart of the local community.
- 1.4 This amalgamation would be achieved through the technical closure of Cubitt Town Infants School and extending the pupil 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.
- 1.5 In line with DfE guidance (November 2019), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', first stage public consultation has been undertaken, and a statutory notice inviting further representation has been published.

### **2. ALTERNATIVE DECISIONS**

- 2.1 The Mayor could decide not to agree to the recommendation for the schools amalgamation. In which case the schools would continue as separate institutions and seek to find alternative ways to work together to gain most benefit from their expertise and resources.
- 2.2 The Mayor could decide to delay his decision on the schools amalgamation. However, this could mean the amalgamation taking place later than the proposed date of 1<sup>st</sup> April 2022, by which time the position for both schools may be less advantageous and the uncertainty unsettling for children, staff and parents,

### **3. DETAILS OF THE REPORT**

- 3.1 Following a report to cabinet on 21<sup>st</sup> October 2020, the Mayor agreed for the council to proceed with the issuing 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. The main facts and the reasons for this decision are set out in both the October cabinet report and also in the earlier first stage public consultation paper attached as Appendix 3.
- 3.2 Notification of the publication of the statutory notice was advertised widely, in line with DfE guidance. It was posted publicly outside the schools and on the schools and council websites on the 16<sup>th</sup> November 2020. It was also published in East London Advertiser Newspaper on the 19<sup>th</sup> November 2020. All parents and staff received a copy of the notice, and other stakeholders were signposted to the schools and Council websites.
- 3.3 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 are explained below and in the report on the outcome of the first stage public consultation, included as Appendix 4.
- 3.4 Prior to the start of the consultation, the Local Authority's independent consultant held a series of preparatory meetings with both Cubitt Town schools to discuss the background and process for the consultation. These included separate meetings with the head teacher and chairs' of governors, the governing bodies, the school's senior leadership teams and schools' 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:

<b>Parents</b> (including wider public)	Information available online and in school newsletters during the Summer and Autumn 2020.
	Virtual Meetings 9.30 and 6pm 6 <sup>th</sup> July 2020
<b>School Staff</b>	121 meetings offered 6 <sup>th</sup> July 2020
	Both Headteachers updated staff during meetings in Summer and Autumn Terms 2020.
	Trade Unions have been also been briefed on the consultation during the Summer and Autumn Terms 2020.

- 3.5 The schools have worked with pupils to help them understand the proposal, seeking to reassure them that they would be fully supported throughout this period. This included age appropriate activities when consulting pupils on their views, as part of the schools on-line teaching provision in the Summer Term 2020.

### **4. RESPONSES TO THE STATUTORY NOTICE (Second Stage Consultation)**

- 4.1 The statutory notice period provided a further opportunity to engage with stakeholders and obtain their views, following on from the earlier first stage consultation.
- 4.2 The further period of public consultation did not result in any further representation. There is therefore no reason for the Local Authority to reconsider its recommendation for the amalgamation of Cubitt Town Infants and Cubitt Town Junior Schools.

- 4.3 The Executive Headteacher reports that staff, parents and children are relaxed about the changes, though a few staff are concerned about future staff structure changes where there are duplications of staff roles. Good progress is being made towards integrated policies and processes.
- 4.4 Both schools are in financially healthy positions and have not been affected by falling roles. They expect to be able to manage and staff changes mainly through natural wastage, but, if this changes, full HR consultation could be completed before April 22<sup>nd</sup> 2022.

## **5. TIMETABLE FOR IMPLEMENTATION OF THE AMALGAMATION**

- 5.1 If the decision is made for Cubitt Town Infant and Junior Schools to amalgamate, the timetable for implementation will be as follows:

April – Sept 2021	The LA, schools and THEP will work together to plan and finalise arrangements and the new staffing structures for the new primary school. This planning will also include minor capital works being undertaken to enable the primary school to operate as one set of buildings.
Sept -Dec 2021	Staff consultation will be undertaken on the new staffing structure for the primary school in the Autumn 2021.
March 2022	Cubitt Town Infants School will formally close on the 31 <sup>st</sup> March 2022 and Cubitt Town Junior will convert to an all-through (3-11) primary school. Children from Cubitt Town Infants will automatically transfer to the all-through primary school.
April 2022	Cubitt Town Primary School will officially operate from the 1 <sup>st</sup> April 2022.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant 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.
- 6.2 An Equalities Assessment has been conducted by the LA and is attached at Appendix 2. This must be considered in detail when the Mayor in cabinet considers the matters above, as part of his decision on whether the two schools should amalgamate.
- 6.3 Governors and the LA have considered carefully whether changes may affect particular groups disproportionately. They have worked with Trade Unions to ensure the planning for staff changes is in line with agreed policies and therefore fair and equitable.
- 6.4 The equalities assessment has found that there are no obvious equalities issues arising from this proposal, either for staff, parents or children.

## **7. 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.

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

- 7.1 The LA and School Governing Bodies are working together to support the schools staff through this change. A formal staff consultation will take place following a final decision on the schools amalgamation. However, the financial position of both schools is healthy, and any staff changes for 1<sup>st</sup> April 2022 can be managed through natural wastage.

### **(ii) Best Value Implications**

- 7.2 The proposal is an integral part of the Council's Primary School Review Strategy. It will support the quality of educational opportunity for the children, providing access to additional resources and space, and pooling the significant expertise across both schools.
- 7.3 The proposal does not have any significant mainstream revenue or capital implications for the Council. Minor capital investment will be needed to create a single main entrance; new reception and visitors area; combined general office for the administrative staff; and a single staffroom and kitchenette for all staff. The intention is for the works to be completed over the school summer holidays in 2021.

- 7.4 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 has made 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.
- 7.5 Upon closure of Cubitt Town Infants, 85% of the annual lump sum would be paid to the amalgamated school the year after amalgamation to support transition.

**(iii) Environmental (including air quality)**

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

**(iv) Risk Management**

- 7.7 If this recommendation is agreed, continuation of the schools amalgamation process will be carefully managed and evaluated in line with statutory guidance and taking account the views of stakeholders in order to reduce and mitigate risks. The LA is working with both schools to support them in mitigating this risk. The provision for children with Special Educational Needs will not be affected by this proposal.

**(v) Safeguarding**

- 7.8 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 continued access to good quality, sustainable education provision.

**(vi) Data Protection / Privacy Impact Assessment**

- 7.9 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.
- 7.10 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.

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

- 8.1 The School receives all revenue funding from the dedicated schools grant (DSG) and the amalgamation would be reflected in the allocation from the DfE. There would be no cost to the general fund and the school would be able to make significant economies of scale by running as one institution.

**9. COMMENTS OF LEGAL SERVICES**

- 9.1 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.

9.2 The procedure for amalgamating schools 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**

- 21<sup>st</sup> October Cabinet Report - Outcome of the 1<sup>st</sup> stage consultation on the proposal for the amalgamation of the Cubitt Town Infant and Cubitt Town Junior Schools.

### **Appendices**

Appendix 1	Statutory (Public) Notice (2 <sup>nd</sup> stage consultation)
Appendix 2	Equalities Assessment
Appendix 3	Public Consultation Paper (1 <sup>st</sup> stage consultation)
Appendix 4	Public Consultation (1 <sup>st</sup> 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**