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| Cabinet |  |
| 30 th November 2022 | |
| Report of: James Thomas, Corporate Director, Children and Culture | Classification: Unrestricted |
| Report on outcome of the public consultation (Stage 1) on the proposal for the amalgamation of The Bishop Challoner RC Federation Boys' and Girls' Schools | |

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| Lead Member | Councillor Maium Talukdar, Cabinet Member for Education and Lifelong Learning |
| Originating Officer(s) | Terry Bryan, Service Head Pupil Access and School Sufficiency |
| Wards affected | All wards |
| Key Decision? | Yes |
| Reason for Key Decision | Significant impact on wards |
| Forward Plan Notice Published | 26 October 2022 |
| Exempt information | N/A |
| Strategic Plan Priority / Outcome | Accelerating Education |

Executive Summary

A first stage public consultation has been carried out on the proposal to amalgamate Bishop Challoner Catholic Girls' and Boys' Schools to create a Bishop Challoner Co-educational Catholic School for 11-18 year olds.

This Cabinet report references the report's findings with the recommendation that the council should now publish statutory notices for the amalgamation 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 made by the Mayor in cabinet.

Recommendations:

Cabinet is recommended to:

1. To agree for the publication of a statutory notice for 28 days, in respect of the proposal to amalgamate Bishop Challoner Catholic Girls' and Boys' Schools to form a Co-educational Catholic School for 11-18 year olds. This would take effect from 1st September 2023.
2. To note the findings from the Equalities Assessment.

1 REASONS FOR THE DECISIONS

- 1.1 The recommendation is made in order to determine the council's response to the proposal for the amalgamation (merger) of Bishop Challoner Catholic Girls' and Boys' Schools.
- 1.2 The proposal is being put forward as part of the strategy for the Bishop Challoner Federation to provide an integrated 11 to 18 secondary school provision, rather than maintain separate boys and girls schools. This merger will provide additional opportunities to maximise expertise and resources across the staff group, build on the existing co-educational practices and raise expectations and success for pupils. A copy of the Consultation Proposal is attached as Appendix 1.
- 1.3 The merger would be achieved through the 'technical closure of Bishop Challoner Catholic Boys' School on August 31st 2023 and the expansion, and renaming, of Bishop Challoner Catholic Girls' School to become Bishop Challoner Catholic School from 1st September 2023. The existing buildings for Bishop Challoner Boys School would become part of the merged school.
- 1.4 In line with the DfE guidance (October 2018), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', a first stage 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 The consultation report includes feedback on the representations received following the first publication of the proposals on the 21st September 2022.

2 ALTERNATIVE OPTIONS

- 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 or 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 The Bishop Challoner Federation has been acutely aware of the impact of the borough's changing demographics on its schools' population over several years. Brexit, house prices and COVID have all contributed to the fall in the number of Catholic families attending Catholic Schools in Tower Hamlets. The high quality of education in neighbouring non-faith schools has increased choice for parents and this is a further contributory factor to the reduced number of pupils, leading to reduced levels of funding at the Bishop Challoner schools.
- 3.2 The Bishop Challoner Federation recruited a new headteacher in 2021 and has since established a strong school improvement programme, whilst ensuring high Catholic moral values and educational expectations are firmly re-established at the centre of its school culture. Despite this positive forward trajectory the financial position of the two schools remains precarious. This is mainly due to funding two administrative and leadership structures, one for each school, when pupil numbers across the schools would normally only require one such structure. This limits the funding available for front line educational provision for Bishop Challoner pupils.
- 3.3 The school's governors believe that the merger of the boys' and girls' schools will help to maximise resources that will better support pupil learning and improve educational outcomes. With careful planning the merger should help to address the current funding challenges and enable Bishop Challoner to move forward smoothly on its improvement journey, with no loss to its values or Catholic schools purpose.
- 3.4 In consideration of the above the school's governors determined that it was now necessary to consult on the proposed merger of both the boys' and girls' schools.
- 3.5 Following a formal consultation period from the 21st September¹ - 21st October, 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 by publishing statutory notices.
- 3.6 During the consultation period the following opportunities were provided for staff, pupils, parents/carers and the wider community to share their views. Due to the continuing covid risks these were a mixture of face to face and virtual meetings to ensure that all stakeholders and the general public had a full opportunity to feed into the consultation.
- **A response form** (or any other written format) for respondents to email or send to the school. A special email address was set up at the school for comments: amalgamation@bishop.towerhamlets.sch.uk.
 - **5th October 2022:** an open meeting for all parents of pupils at both schools. Parents were sent a further reminder of the need to comment on the proposal on Tuesday 18th October.
 - **11th October 2022:** an online "zoom" meeting that was open to all stakeholders.

¹ The consultation start date was delayed by two weeks due to the 'National Period of Mourning' following the Queen's death.

- **13th October 2022:** Along with regular staff briefings, a full staff meeting to discuss the proposal and address questions with school leaders.
 - **Pupil Engagement Sessions:** As part of the school curriculum, staff created a number of age appropriate activities to seek the views of pupils.
 - **Other Key Stakeholders:** A copy of the consultation report was sent to Unions, DFE, and local Faith groups. It was circulated to headteachers and governors by the Local Authority.
- 3.7 There was a favourable response to the proposals for merger. Parents have commented on how positive this change would be for the school(s), where the atmosphere has become more purposeful following the change of leadership. There were some parental concerns about the impact of the changes. Parents were clear that the schools had already been through a lot of change and expect this latest change to be well managed and carefully monitored through the merger process. They would like regular feedback and welcomed the opportunity for further face-to-face meetings with the school leaders. The headteacher and governing body have committed to regular monitoring and ongoing dialogue with parents, pupils and staff to ensure that any potential negative impacts of the merger are addressed at the earliest opportunity.
- 3.8 The proposed merger did not raise any concerns from staff or the trade unions, nor have any concerns been raised by the other stakeholders. The Westminster Diocese have discussed, and are supportive of, the merger proposal.
- 3.9 The full Consultation Report is attached as Appendix 2. Overall, from the responses and feedback from meetings with families and staff, there is understanding about the reasons for the merger and positivity about the opportunities it brings.
- 3.10 The first stage consultation did not raise any issues that could be viewed as reasons not to proceed. With the support of the School Governing Body and Westminster Diocese this report therefore recommends for the council to issue statutory notices for the merger of the two Bishop Challoner Boys' and Girl's schools to form a single 11-18 year old mixed school, from the start of the new school year in September 2023. .

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 council, 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 initial Equalities Assessment has been conducted by the council and is attached as Appendix 3. To date, it has not found any obvious equalities issues arising from this proposal, either for staff, parents or children, that could not be mitigated through the merger process.

- 4.4 The Governing Body has considered the equalities issues and concluded that there would be no significant impact for any particular vulnerable group. They are mindful that some children with additional needs or disabilities may need additional support to understand the merger proposal and its implications. As children in the school already mix there is unlikely to be difficulties for individuals or vulnerable groups. Some sports and PSHE sessions will remain single sex as will changing facilities. Bishop Challoner has recently introduced headscarves as part of its school uniform, this has been a popular change that will enable more children from other world faiths to attend the school.
- 4.5 Governors and LA officers 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.
- 4.6 The Equalities Assessment 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 final decision on whether the two schools should merge.

5 OTHER STATUTORY IMPLICATIONS

- 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' merger. However, given the financial position of both schools, any necessary staff changes for September 2023 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 pupils 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 merger the Statutory Notice will make clear that any remaining balances from the closing school (Bishop Challoner Boys') would be transferred to newly merged Bishop Challoner School on the last business day of its operation.

(iii) Environmental (including air quality)

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

(iv) Risk Management

5.5 School Organisational Change Proposal

| Risk | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect | Who is responsible for dealing with the risk? |
|-------------------------------------|--------------------------------------|---------------------------------------|--|---|
| 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 30 day first stage 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) |

(v) Revenue Implications

- 5.6 In the event of amalgamation of the schools, 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.
- 5.7 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 initially be met from the closing school reserves before transfer to the expanded school.
- 5.8 This amalgamation process is being taken forward by closing the boys' school and converting the girls' school to a co-educational, whilst increasing its size from 5FE to 9FE. Therefore the following actions will take place; On amalgamation, the adjusted balance of the boys' school will be transferred to the newly created co-educational school (the expanded girls School). The budget of the newly created school will have financial adjustments to fall in line with typical budgets for that size school.
- 5.9 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.
- 5.10 It is proposed to amalgamate the two schools from 1 September 2023. This gives further opportunity to ensure that children, parents and staff are engaged in the process and fully prepared for the change.

(vi) Safeguarding

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

(vii) Data Protection / Privacy Impact Assessment

- 5.12 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.
- 5.13 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 Financial implications are contained within the body of the report. The Schools budget would be met from the Schools block of the dedicated schools grant (DSG) and as such there would be no impact on the general fund of the Council. As the revenue savings for the amalgamated school would be realised by the school rather than the Council reorganisation costs should be met from school reserves which at the end of the 2021/22 financial year for each school exceeded £1m rather than a call on Council funding.

7 COMMENTS OF LEGAL SERVICES

- 7.1 In order to amalgamate two maintained schools, one must close and the other must expand. Parts 2 and 3, and Schedules 2 and 3 of the Education and Inspections Act 2006 set out the procedure for closing and expanding schools. The School Organisation (Establishment and Discontinuance of Schools) Regulations and the statutory guidance Opening and Closing Maintained Schools (2019) give further details for the closure of a school. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the statutory guidance Making Significant Changes ('Prescribed Alterations') to Maintained Schools (2018) set out further details of the process for the expansion of a school.
- 7.2 Section 149 of the Equality Act 2010 requires a local authority to have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.3 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 Public Consultation Document on the proposal for the merger of the Bishop Challoner Federation Boys' and Girls' schools
- Appendix 2 Report on the responses to the public consultation on the proposed merger of Bishop Challoner Federation Boys' and Girls' schools
- Appendix 3 Equalities Assessment
- Appendix 4 Council's HR Organisational Change Procedure

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

- None

Officer contact details for documents:

Or state N/A