


Cabinet Decision 29 March 2023	 TOWER HAMLETS
Report of: James Thomas, Corporate Director, Children and Culture	Classification: Unrestricted
Report on the outcome of representations received in response to the statutory notice (Stage 2) for the amalgamation of The Bishop Challoner RC Federation Boys' and Girls' Schools	

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	03/11/2022
Exempt information	N/A
Strategic Plan Priority / Outcome	Accelerating Education

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 Bishop Challoner Catholic Girls' and Boys' Schools to create a Bishop Challoner Co- educational Catholic School for 11-18 year olds.

It recommends for the cabinet to consider a decision on whether or not to formally agree for the schools' amalgamation.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Consider the report and its supporting documents, particularly the statutory notice (Appendix 1) and the Equality Assessment (Appendix 2), along with comments made by respondents to the Statutory Notice.
2. Agree to the amalgamation (merger) of Bishop Challoner Catholic Girls' and Boys' Schools to create a Bishop Challoner Co-educational Catholic School for 11-18 year olds from 1st September 2023.

1 REASONS FOR THE DECISIONS

- 1.1 The recommendation is made in order to determine the council's decision following the responses received to the statutory notice.

- 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.
- 1.3 The merger would be achieved through the 'technical closure of Bishop Challoner Catholic Boys' School on 31st August 31 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', public consultation has been undertaken in the form of a first stage informal consultation followed by a formal statutory notice inviting further representation over the necessary 28 day period.

2 ALTERNATIVE OPTIONS

- 2.1 Cabinet 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 ensure their individual sustainability, as well as gain most benefit from their existing federation.
- 2.2 Cabinet could decide to delay its decision on the schools amalgamation. However, this could mean the amalgamation taking place later than the proposed date of 1st September 2023, by which time the position for both schools will be less advantageous and the uncertainty over the future unsettling for children, staff and parents.

3 DETAILS OF THE REPORT

- 3.1 Following a report to cabinet on 30th November 2022, it was agreed for the council to proceed with the issuing of a statutory notice for 28 days, in respect of the proposal to amalgamate Bishop Challoner Catholic Girls' and Boys' Schools. The main facts and the reasons for this decision are set out in both the November 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 accordance with the Department for Education (DfE) guidance. It was posted publicly outside the schools premises and on the schools and council websites on the 16th January 2023, as well as published in the local 'East End Life' newspaper on the 19th January 2023. All parents and staff received a copy of the notice, with the public and other stakeholders signposted to the council website.
- 3.3 In addition to the parent, staff and public meetings held during the first stage consultation, two further public meetings were held during the statutory notice period. The first took place at the school on the 31st January 2023 and the second was held online, over Zoom, on the 7th February 2023. The feedback from the statutory notice period is detailed below, and in Appendix 4, the consultation report written by an Independent Consultant.
- 3.4 Stakeholder engagement on these proposals has been carefully undertaken, according to [central government consultation principles](#). It is evident that the

consultation has enabled an appropriate level of engagement with key stakeholders, particularly with parents and staff at both schools. It is also evident that the schools and their wider communities understand the full nature of the proposals and the possible outcomes from an amalgamation of the two schools.

- 3.5 Overall, from the feedback in meetings with parents there is understanding about reasons for the amalgamation and positivity about the opportunities it brings. Parents have commented on the significant improvement and improved atmosphere following the schools change of leadership in 2021. The proposals did not raise any concerns from staff or the trade unions, nor have the other stakeholders raised any concerns. The Westminster Roman Catholic Diocese have discussed, and are supportive of, the merger proposal.

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. This followed on from the earlier first stage consultation, which was reported to the 30th November cabinet meeting and is included, updated with feedback from the Statutory Notice consultation, with this report as Appendix 4.
- 4.2 There were 1,235 visitors to the Bishop Challoner Federation schools website, which publicised the notice and directed the public to the Council website. There were then 293 visitors to the Council website where the statutory notice and response form could be viewed and completed. This indicates a significant level of public awareness and engagement.
- 4.3 Nine written representations were received in response to the statutory notice. Three representations were strongly positive. Two representations raised concerns about the impact on learning of mixed classes:

When children study in a single-gender classroom, they interact much more confidently and freely and can discuss topics, which they would be otherwise hesitant about. I also found this to be true for myself as I went to both single sexed schools and mixed schools. I excelled better and more confidently without boys in my class as this was due to less distractions coming from my male counterparts. My older daughter completed 'A' level 2022 and she comments about how she felt being able to achieve more without boys in her class. This was all to do with the confidence boost she felt without the attention and presence of boys in her class.

I therefore personally feel that with both genders under one roof, there are going to be distractions. The younger boys and girls often end up competing with each other, and older boys and girls getting involved with one another. A single-gender classroom eliminates these distractions in the classroom and children focus more on their studies.

- 4.4 Three representations assumed that there would be increased numbers attending the school and that this could impact on the community. This will not be the case as the overall admissions number for the school is not changing as a result of the amalgamation. In fact. The amalgamated School plans to reduce its intake from 270 to 240 pupils from September 2024.
- 4.5 One representation simply stated “no.”

- 4.6 These representations have been added to the Frequently Asked Questions log held by the Bishop Challoner Schools and will continue to be monitored by governors.

The Council's response to these representations is as follows:

- 4.7 Notwithstanding the merit of these concerns the council believes that transition to an amalgamated school will help maximise resources that support pupils learning. It will increase the school's popularity and enable it to move forward on its improvement journey with no loss to its character or Catholic purpose, leading to higher outcomes for both girls and boys.
- 4.8 Over the years the schools have increasingly combined boys' and girls' groups in some subjects with positive results. Unusually, for separate schools, the boys and girls are used to mixing as they move around the school and at lunchtime, and teachers work across both schools.
- 4.9 A mixed school would also better prepare our young people to lead their adult lives in the mixed world they will be joining, encouraging respect, modesty and understanding between the genders.
- 4.10 Having considered the equalities issues the council has concluded that there would be no significant impact for any particular group. Although it is recognised that some children with additional needs or disabilities may need additional support. As children in the school already mix there is unlikely to be any significant difficulty for individual children or vulnerable groups. Some sports and PSHE sessions will remain single sex as will changing facilities.
- 4.11 The merger of the two schools is the best solution to optimise provision and stabilise financial planning for the benefit of the pupils as well as the wider school community. The school will not be increasing its pupil intake as result of the amalgamation.

5 TIMETABLE FOR IMPLEMENTATION OF THE AMALGAMATION

- 5.1 If the decision is made for the schools to amalgamate, the timetable for implementation will be as follows:

April 2022	The Local Authority (LA) and the Bishop Challoner Federation will work together to plan and finalise arrangements and the new staffing structures for the amalgamation (merger).
May-July 2022	Staff consultation will be undertaken on the new staffing structure for the amalgamated school.
31 August 2023	Bishop Challoner RC Boys' School will formally close on the 31 st August 2023 and its pupils, staff and school buildings will transfer to the Bishop Challoner Girls' School.
1 September 2023	Bishop Challoner Catholic Girls' School will be renamed to become Bishop Challoner Catholic School for Boys and Girls from the 1st September 2023.

6 EQUALITIES IMPLICATIONS

- 6.1 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.
- 6.2 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”).
- 6.3 An initial Equalities Assessment has been conducted by the council and is attached as Appendix 2. To date, it has not found any obvious equalities issues arising from this proposal, either for staff, parents or children, which could not be mitigated through the merger process.
- 6.4 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.
- 6.5 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 5.
- 6.6 The Equalities Assessment has been reviewed in following the response to the statutory notice. 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.

7 OTHER STATUTORY IMPLICATIONS

- 7.1 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

- 7.2 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.

7.3 The proposal does not have any significant mainstream revenue or capital implications for the council.

(iii) Environmental (including air quality)

7.4 There are no environmental issues arising from this proposal.

(iv) Risk Management

7.5 If this recommendation is agreed, the LA will mitigate any risk by supporting the schools with the further stages of the amalgamation process, ensuring that this is carefully managed and evaluated in line with statutory guidance and taking account the views of stakeholders. The provision for children with Special Educational Needs will not be adversely affected by this proposal.

(vi) Safeguarding

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

(vii) Data Protection / Privacy Impact Assessment

7.7 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.

7.8 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 FINANCE OFFICER

8.1 The amalgamation of the Schools would have no impact on the Councils General Fund. The Schools have delegated budgets which are managed locally and funded through the Dedicated Schools Grant (DSG). Budgets are calculated for distribution over the Financial rather than Academic year and therefore from September 2023 the new expanded School would just receive the allocations calculated for the two legacy schools. From April 2023 a new single budget would be calculated and would give a first year transition sum to the newly amalgamated School.

9 COMMENTS OF LEGAL SERVICES

9.1 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 2013 and the statutory guidance Opening and Closing Maintained Schools (January 2023) 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 (January 2023) set out further details of the process for the expansion of a school.

- 9.2 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.
- 9.3 The proposals set out in this report comply with the above legislation and guidance.
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Linked Reports, Appendices and Background Documents

- Cabinet (30/11/22) - Outcome of the public consultation (Stage 1) on the proposal for the amalgamation of The Bishop Challoner RC Federation Boys' and Girls' Schools

Appendices

- Appendix 1 Statutory (Public) Notice (Stage Two Consultation)
- Appendix 2 Equalities Assessment
- Appendix 3 Public Consultation Document (Stage One)
- Appendix 4 Public Consultation (Stage One and Statutory Notice) Feedback Report
- Appendix 5 Council's HR School Organisational Change Procedure

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

- None

Officer contact details for documents:

- N/A