

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Amalgamation of Torridon Infant and Nursery School and Torridon Junior School – Feedback from consultation and permission to move to next stage		
<b>Key Decision</b>	Yes	Item No.	
<b>Ward</b>	Catford South		
<b>Contributors</b>	Executive Director for Children and Young People		
<b>Class</b>	Part 1	Date:	28 February 2018

## 1. Summary

- 1.1 This report follows on from the Mayor and Cabinet report from 6 December 2018 requesting permission to conduct an initial consultation on the proposal to amalgamate Torridon Infant and Nursery School and Torridon Junior School by closing Torridon Junior School and extending the age range of Torridon Infant and Nursery School.
- 1.2 This report provides the results of that consultation and then goes on to seek permission to commence the formal statutory process, specifically the Publication and Representation phases.

## 2. Purpose

- 2.1 The report feeds back on the consultation and requests the Mayor's permission to move forward with the formal statutory process on the proposal to amalgamate Torridon Infant and Nursery School and Torridon Junior School by way of closing the Junior School and extending the age range of the Infant School, with effect from 1 September 2018.

## 3. Recommendations

- 3.1 The Mayor is recommended:
- 3.2 to note the results of the consultation on the proposal to amalgamate Torridon Infant and Nursery School and Torridon Junior School with effect from 1 September 2018.
- 3.3 to note the tight timescale that officers and the Governing Bodies are working to, to enable a decision in April 2018 allowing Governing Bodies to conduct the necessary recruitment process for headship of the school(s) for the Autumn term.
- 3.4 to agree that officers commence the formal statutory process to consult on the proposal to amalgamate Torridon Infant and Nursery School and Torridon Junior School, by way of conducting the following Publication and Representation phases in parallel;
  - Closure of Torridon Junior School

- Change of age range of Torridon Infant and Nursery School
- That officers report back to Mayor and Cabinet at the meeting of 18 April 2018 with the results of both 'Representation' periods requesting Mayoral decisions as the statutory decision maker

#### 4. Policy Context

- 4.1 The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Sustainable Community Strategy policy objectives:
- **Ambitious and achieving** – where people are inspired and supported to fulfil their potential.

The proposed recommendations are also in line with the Council's corporate priorities:

- **Young people's achievement and involvement** – raising educational attainment and improving facilities for young people through partnership working.
  - **Protection of children** – better safeguarding and joined up services for children at risk
  - **Inspiring efficiency effectiveness and equity** – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community
- 4.2 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory school age and, within financial constraints, accommodation that is both suitable and in good condition.
- 4.3 In aiming to improve on the provision of facilities for education in Lewisham which are appropriate for the 21st century, the implementation of a successful school places strategy will contribute to the delivery of the corporate priority *Young people's achievement and involvement: raising educational attainment and improving facilities for young people through partnership working.*
- 4.4 It supports the delivery of Lewisham's *Children & Young People's Plan (CYPP)*, which sets out the Council's vision for improving outcomes for all children and young people, and in so doing reducing the achievement gap between our most disadvantaged pupils and their peers. It also articulates the objective of improving outcomes for children with identified SEN and disabilities by ensuring that their needs are met.

#### **Place Planning Strategy 2017-22**

- 4.5 A recommendation of the 2016 Lewisham Education Commission Report was for the Council to develop a new 5 year Place Planning Strategy that succeeded the Primary Strategy for Change. Officers reviewed what had gone on before and what needs to be achieved in the future, and the draft strategy went through a public consultation process. The strategy was approved by Mayor and Cabinet on 22 March 2017.

- 4.6 Within the new strategy the council committed to constantly review its forecasting to ensure that the supply of school places met need as accurately as possible, as both undersupply and oversupply can have knock on effects on school standards and finances.
- 4.7 Indeed the strategy highlights the need for schools to work more collaboratively, identifying synergies, economies of scale and striving for better outcomes for our children and young people.

### ***School Organisation Requirements***

- 4.8 There are two ways to amalgamate two (or more) existing maintained schools:
- 4.9 The LA can publish a proposal to close two, or more, schools and the LA can publish a proposal for the establishment of a new school or invite proposals under the free school presumption. This results in a new school number being issued.
- 4.10 The LA can publish a proposal to close one school (or more) and change the age range (following the statutory process) of an existing school to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.
- 4.11 Proposals to close a school and to change the age range must comply with the provisions set out in *The Education and Inspections Act 2006 (EIA 2006)* and *The School Organisation (Establishment & Discontinuance of Schools) Regulations 2013* and *The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013*. These set out the statutory process for making changes to a school, and statutory guidance on making changes to a maintained school indicates 4 stages to making a prescribed alteration to a maintained school. These are:
- 1) Publication of a Statutory Notice
  - 2) Representation period
  - 3) Decision making
  - 4) Implementation
- 4.12 However, when a proposer is seeking to close a school then there should first be a period of informal consultation before publishing a statutory notice.
- 4.13 In this instance, the Governing Bodies of both schools have agreed that their preference is to close the Junior School and extend the age range of the Infant School. These are two separate but related processes, and will be run in parallel, including an informal consultation for the extension of age range, as whilst for this element it is not statutory it is best practice, and the two parts are inter-related.

## **5. Background**

- 5.1 There are currently 3 remaining separate Infant and Junior phased schools in Lewisham: Sandhurst, Stillness and Torridon. The Governing Bodies of Sandhurst Infant and Junior Schools have already taken the decision to pursue amalgamation, and are indeed a step further ahead through that statutory process.

- 5.2 Officers were approached by both Torricon Infants and Torricon Juniors Governors during 2017 to help provide them with information regarding the amalgamation process.
- 5.3 Since that time, officers have continued to engage with both schools and their governing bodies to assist with any questions regarding the benefits of amalgamation and the process.
- 5.4 The governing bodies of both schools have separately come to the decision that they wish to amalgamate, stating the following reasons:
- 5.5 The Torricon Junior School Governing Body feel strongly that amalgamation is in the best interests of the children of both schools as they feel that amalgamation will provide:
1. Greater consistency across both Key Stages, sharing knowledge of pupils and pedagogy across the Year groups
  2. Improved safeguarding, particularly around SEN children
  3. The opportunity for Junior staff to get to know the children and families at a much earlier stage and identify when help and support may be needed earlier
  4. Staff unity, the opportunity for staff to share expertise and resources and greater professional development opportunities across both Key Stages
  5. Continuity of care and development for our children meaning, for example, less anxiety for them as they move from Key Stage 1 to Key Stage 2
  6. A better staff understanding of curriculum challenges and the demands of each phase
  7. Greater opportunity for the older and younger children to mix leading to, for example, increased mentoring and support for the younger children by the older ones
  8. Potential for significant financial savings through efficiencies and resource sharing
  9. Better continuity in progress for all pupils
  10. A more attractive proposition to recruit both a head teacher and other staff members with more options for development and retention
  11. A more effective use of premises
- 5.6 The Torricon Infant & Nursery School Governing Body feel strongly that amalgamation is in the best interests of the children of both schools as they feel that amalgamation will provide:
1. Greater consistency in teaching and learning across primary key stages
  2. Smooth transition and less disruption for children (and families/carers) moving from Infants to Juniors
  3. Increased professional development opportunities for teachers and all staff and sharing of good practice and expertise
  4. Long-term financial and resource efficiency and savings
  5. More effective use of premises
  6. Increased likelihood of recruiting a new Head teacher by offering a position of leadership to take forward a vision for an amalgamated primary school.
- 5.7 As a result both governing bodies have requested officers to commence the amalgamation process. Their aspiration is that the proposed amalgamation can be implemented in September 2018.

- 5.8 Officers support the proposed amalgamation for the following reasons:
- 5.9 It would provide an uninterrupted transition from year 2 to year 3, allowing for a better continuation of education and helping to prevent pupils taking a backwards step in their learning and progress.
- 5.10 It would allow for a greater oversight of collective school improvement and allow a better use of a wider pool of collective resources and skills to ensure that pupils receive the best education possible.
- 5.11 It would provide more opportunity for staff development and career progression as the result of a larger workforce and wider skill set. As a consequence it would also therefore make it easier for the school to retain and attract staff as more career and learning opportunities would be available.
- 5.12 It would allow the school site(s) to be used more effectively and to the collective good of all pupils and staff, creating a more engaging and enriching environment in which to work and learn.
- 5.13 It would also allow for the school to achieve economies of scale regarding procuring services and resources, as well as allowing the school to be collectively more financially viable due to a larger pupil base.
- 5.14 It would allow greater opportunity for the recruitment of a substantive head teacher to lead the new school.
- 5.15 It would also provide a better environment for children in the Autism Spectrum Disorder (ASD) Resource Base (The Lighthouse), further supporting the councils provision of services to children with Special Educational Needs and Disability (SEND)
- 5.16 Officers draw attention to the following potential negative issues relating to amalgamation;
- 5.17 It will result in the amalgamated school only receiving one lump sum of £130k, whereas currently each school receives £130k lump sum. For the schools, there will however be economies in operating as a larger school.
- 5.18 The public perception of creating a larger school, particularly in relation to those parents of infant school pupils who may see their school as being consumed by the larger junior school.
- 5.19 However, on balance, officers believe that the arguments for amalgamation vastly outweigh the arguments against, particularly when economies of scale are taken into account regarding finances, and the governing bodies proposed approach of closing the junior school and extending the age range of the infant school regarding public perception. Officers also believe that this approach will help the school to attract a permanent head teacher.

## **6. Consultation Results**

- 6.1 The consultation was held over a six week period from 2 January 2018 through to 13 February 2018. Local residents in the neighbouring streets as well as parents and staff from the school all received letters alerting them to the consultation, inviting them to comment.

- 6.2 A public meeting was held at the school on the evening of the 17 January 2018 at which a small group of parents, teachers and local residents attended to hear more about the amalgamation proposal from both sets of Governors, Head Teachers and Lewisham officers. Additionally, both sets of Governors have conducted numerous extra sessions with staff, parents and children within both schools.
- 6.3 During that period we received 19 responses, of which, 18 were in support and 1 was against.
- 6.4 Those responses that were in support highlighted the continuity of education that children would receive – eliminating the transitional issues. The fact that the school sites could be better used and synergies maximised. That parents didn't understand why the two schools were separate given that they are next to each other, and separated by a single fence. And that a larger school would help with attracting a strong head teacher for the amalgamated school.
- 6.5 The responder that was against highlighted that they believed an amalgamated school would create more congestion resulting in more parents blocking resident's drives.
- 6.6 In response, officers wish to highlight that given the size of the amalgamated school will be no bigger than the two schools at present, then it is unlikely that amalgamation would lead to an increase in congestion and related issues.
- 6.7 As such, given the overwhelmingly positive response, officers recommend that the statutory process is continued to amalgamate Torridon Infant and Nursery School and Torridon Junior School by way of changing the age range of the Infant and Nursery School and closing the Junior School, aiming for an implementation date of 1 September 2018.

## **7. Financial Implications**

### **Capital Financial Implications**

- 7.1 There are no capital financial implications as a result of this report.

### **Revenue Financial Implications**

- 7.2 All on-going revenue costs of running the amalgamated school will be met from the resources of the Dedicated Schools Grant. However it should be noted that as a result the amalgamation the new school will only receive a single lump sum allocation of £130k in the long term. This reduction will be phased in with the amalgamated school retaining 80% of the two schools' total lump sum in the 2019/20 financial year before falling to the single lump sum in 2020/21.
- 7.3 When a school closes, the balance of that school reverts to the local authority. Past practice has been to pass the balance of any predecessor school to the newly established school and this is the intent in the case of the Torridon amalgamation. There is a risk that a school will close with a deficit balance, leaving that deficit to be covered by the local authority. Torridon Juniors is currently forecasting a £90k revenue surplus for the end of the 2017/18 financial year and officers will work with the school to ensure that the school's 2018/19

spend and any contractual obligations are covered by the school's available funds.

## **8. Legal Implications**

- 8.1 The Human Rights Act 1998 safeguards the rights of children in the borough to educational provision, which the local authority is empowered to provide in accordance with its duties under domestic legislation.
- 8.2 Section 14 of the Education Act 1996 obliges each local authority to ensure that there are sufficient primary and secondary school places available for its area i.e. the London Borough of Lewisham, although there is no requirement that those places should be exclusively in the area. The Authority is not itself obliged to provide all the schools required, but to secure that they are available.
- 8.3 In exercising its responsibilities under section 14 of the Education Act 1996 a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 8.4 The Education and Inspections Act 2006 places requirements on local authorities to make their significant strategic decisions concerning the number and variety of school places in their localities against two overriding criteria:
- to secure schools likely to maximise student potential and achievement;
  - to secure diversity and choice in the range of school places on offer.
- Section 19 of the Education and Inspections Act 2006 provides that where a local authority or the governing body of a maintained school proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.
- 8.5 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 provide that changes to the age limit of a school are prescribed alterations which means that statutory proposals have to be published, and there must be a period of four weeks for representations before a decision is made. Similarly, The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 requires that where there is a proposal to close a school these will require statutory proposals to be published and there must be a period of four weeks from the date of publication for objections or comments to be received. Proposals to close a school and to change the age limit of a school will be determined by the local authority as decision maker, as related proposals.

## **Equalities Legislation**

- 8.6 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.7 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.

- foster good relations between people who share a protected characteristic and those who do not.

- 8.8 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 8.7 above.
- 8.9 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 8.10 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

[www.equalityhumanrights.com/en/advice-and-guidance/equality-actcodes-practice](http://www.equalityhumanrights.com/en/advice-and-guidance/equality-actcodes-practice)

[www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance](http://www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance)

- 8.11 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty: A guide for public authorities
- Objectives and the equality duty. A guide for public authorities
- Equality Information and the Equality Duty: A Guide for Public Authorities

- 8.12 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

[www.equalityhumanrights.com/en/advice-and-guidance/public-sectorequality-duty-guidance#h1](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sectorequality-duty-guidance#h1)

8.13 A further report will be brought to the Mayor by the end of Spring 2018 detailing the results of the consultations and full legal implications associated with any future proposals will be set out in future reports.

## **9. Crime and Disorder Implications**

9.1 There are no crime and disorder implications.

## **10. Equalities Implications**

10.1 This report supports the delivery of the Council's Equalities programme by ensuring that all children whose parents/carers require a place in a Lewisham school will be able to access one.

10.2 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

## **11. Environmental Implications**

11.1 Every effort will be made to enhance rather than detract from school environments in the solutions to providing additional school places.

## **12. Background documents**

**Appendix 1** – Anonymised Consultation responses

**Mayor and Cabinet Report** – 6 December 2017

<http://councilmeetings.lewisham.gov.uk/documents/s53921/Amalgamation%20of%20Torridon%20Infant%20School%20and%20Torridon%20Junior%20School.pdf>

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