

MAYOR AND CABINET			
Report Title	Sandhurst Amalgamation – Decision to Close Sandhurst Junior School and Change the Age Range of Sandhurst Infant School		
Key Decision	Yes	Item No.	
Ward	Catford South		
Contributors	Executive Director for Children and Young People		
Class	Part 1	Date:	28 February 2018

1. Summary

- 1.1 This report follows on from the Mayor and Cabinet report of 6 December 2017 which reported back on the initial consultation on the proposal to amalgamate Sandhurst Infant School and Sandhurst Junior School by closing Sandhurst Junior School and extending the age range of Sandhurst Infant School, and requested permission to move to the next stage.
- 1.2 This report provides the results of that period of statutory representation and then goes on to seek decisions from the Mayor (as LA Statutory Decision Maker) to enable the amalgamation of Sandhurst Infant School and Sandhurst Junior School by closing Sandhurst Junior School and extending the age range of Sandhurst Infant School.

2. Purpose

- 2.1 The report feeds back on the representation period for both interlinked proposals and seeks a decision from the Mayor regarding both the proposal to change the age range of Sandhurst Infant School and to close Sandhurst Junior School with effect from 1 April 2018, thus effectively amalgamating the two schools.

3. Recommendations

- 3.1 The Mayor is recommended:
- 3.2 to note the results of the period of representation on both the proposal to close Sandhurst Junior School and the proposal to change the age range of Sandhurst Infant School, with effect from 1 April 2018.
- 3.3 to note that if decisions are taken to close Sandhurst Junior School and change the age range of Sandhurst Infant School, a new Instrument of Government of the remaining school will need to be developed and brought back to the Mayor for approval.
- 3.4 to agree that Sandhurst Junior School is closed as of 1 April 2018.
- 3.5 to agree that the age range of Sandhurst Infant School is changed to include

Key Stage 2 as of 1 April 2018.

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 in the recent 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 necessary supply of educational places was as accurate 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 school then there should must 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 separate Infant and Junior phased schools in Lewisham: Sandhurst, Stillness and Torridon.
- 5.2 Officers were approached by both Sandhurst Infants and Sandhurst Juniors Governors in Summer 2016 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 Sandhurst Junior School Governing Body feels strongly that amalgamation is in the best interests of the children of both schools as it considers the two schools have a shared ethos and clarity of vision and amalgamation will provide:

- 1) Greater consistency across both Key Stages;
- 2) Improved safeguarding;
- 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) Significant financial savings.
- 9) Better continuity in progress for all pupils

5.6 The Sandhurst Infant School Governing Body feels strongly that amalgamation is in the best interests of the children of both schools as they consider the two schools have a shared ethos and clarity of vision and amalgamation will provide:

- 1) Security of having Headteacher in post
- 2) Greater consistency across both Key Stages;
- 3) Improved safeguarding;
- 4) The opportunity for Infant staff to support children right through their primary experience
- 5) Staff unity, the opportunity for staff to share expertise and resources and greater professional development opportunities across both Key Stages;
- 6) 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;
- 7) A better staff understanding of curriculum challenges and the demands of each phase;
- 8) 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;
- 9) Significant financial savings.
- 10) Better continuity in progress for all pupils

5.7 As a result both governing bodies requested officers to commence the amalgamation process. The aspiration was that the proposed amalgamation n be implemented in April 2018.

5.8 Officers recommend 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 Officers draw attention to the following potential negative issues relating to amalgamation;
- 5.15 It will result in the amalgamated school only receiving one lump sum of £130k, whereas currently each school receives £130k lump sum however the two schools will be more financially resilient..
- 5.16 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.
- 5.17 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.

6. Initial Consultation

- 6.1 The initial consultation was held over a six week period from 8 September 2017 through to 20 October 2017. Local residents in the neighbouring streets as well as parents and staff from the school all received letters alerting them to the consultation and inviting them to comment.
- 6.2 A public meeting was held at the school on the evening of the 10 October 2017 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 Teacher and Lewisham officers.
- 6.3 In total 8 responses to the consultation were received. All of which were in favour of the amalgamation of the two schools, seeing clear benefits for the children and education as a whole.
- 6.4 Officers recommended that given all of the consultation respondents are in agreement with the proposals, that the amalgamation of Sandhurst Infant School and Sandhurst Junior School should be pursued.

- 6.5 A report was produced for 6 December 2017 Mayor and Cabinet, at which the Mayor considered the recommendations and decided that officers should continue with the statutory process to close Sandhurst Junior School and change the age range of Sandhurst Infant School to enable the amalgamation of the two schools.
- 6.6 Officers were tasked with completing the Publication and Representation phases and report back to Mayor and Cabinet for final decision.

7. Publication and Representation

- 7.1 The statutory notices and proposals for both the closure of Sandhurst Junior School and the change of age range of Sandhurst Infant School were published on 12 January 2018, with the representation period running for 4 weeks until 9 February 2018.
- 7.2 During that period a single (duplicated) response was received which was in support of both proposals. Stating that the creation of a single primary school for ages 3-11 will offer important educational, community and financial benefits, which will in turn offer many benefits to the children and the local community.
- 7.3 As such, officers recommend that the amalgamation of Sandhurst Infant School and Sandhurst Junior School should be pursued by way of closure of the Junior School and changing (extending) the age range of the Infant School.

8. Factors relevant to a making a decision on school organisation proposals

When making a decision on a school organisation proposal the Decision Maker must consider the following factors:

8.1 Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

The consultations have been undertaken in accordance with the statutory requirements. Stakeholders have been involved in the development of the proposals. The notices have been published as required (See appendix 2, 3, 4 & 5). Views submitted, including all support for, objections to and comments on the proposals have been reported to the decision maker.

8.2 Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision maker has received information on the schools in the relevant areas, including the aspirations of parents.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

The government's policy on academies does not apply to these proposals.

8.3 **Demand**

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

These proposals do not provide additional places and are in line with current forecasting.

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Again, these proposals do not seek to provide additional places

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

The proposals do not cover the removal of surplus places

8.4 **School size**

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

The decision maker has received advice about the financial impact on the school(s) and on the LA budget, and the positive impact that amalgamation will have.

8.5 **Proposed admission arrangements (including post-16 provision)**

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

The Decision maker has received information confirming that the two schools are community schools and that the amalgamated school will also be a community school. As such the LA's published Admissions arrangements apply.

8.6 **National Curriculum**

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

The Decision maker has been advised of the outcomes of Ofsted inspections of both current schools which confirm that the schools follows the National Curriculum, and will continue to do so as an amalgamated entity.

8.7 **Equal opportunity issues**

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

The proposal does not have any adverse effect on equal opportunity.

8.8 **Community cohesion**

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

The Decision maker has received advice that providing an all-through primary school will in fact have a positive impact on community cohesion, allowing more cross phase collaboration between staff, pupils, parents and the local community.

8.9 **Travel and accessibility**

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The Decision maker has received advice that due to current co-location of the schools that the continued use of the combined site will ensure no material changes to travel and accessibility..

8.10 Capital

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

The Decision maker has been advised that the relevant land and premises are within the local authority's gift and that there are no capital costs associated with the proposal..

8.11 School premises and playing fields

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

The Decision maker has received advice that the amalgamation proposals will ensure that the remaining school will still retain sufficient space for physical education and play. The Decision maker is advised to note that, although Guidelines setting out suggested areas for pitches and games courts are in place, these are non-statutory.

- 8.12 The Mayor is recommended to agree both the proposal that Sandhurst Junior School should be closed with effect from 1 April 2018, and the proposal that Sandhurst Infant School should change its age range to include Key Stage 2 with effect from 1 April 2018.

9. Financial Implications

Capital Financial Implications

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

Revenue Financial Implications

- 9.2 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.

10. Legal Implications

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 The relevant Guidance advises that the Mayor as decision maker will need to be satisfied that the appropriate consultation and/or statutory representation process has been carried out and that the proposer has had regard to the responses received. The Mayor must consider all the views submitted, including all support for, objections to and comments on the proposals.
- 10.7 Any decision to close Sandhurst junior School and to change the age range of Sandhurst Infant School should be taken in the light of the representations received to the statutory consultation and the DfE Guidance for Decision-Makers attached at Appendix 6
- 10.8 In the event that the Mayor is agreeable as the statutory decision-maker for the closure of Sandhurst Junior School and the change of age range at Sandhurst Infant School it will be necessary for a new Instrument of Government to be approved.

Equalities Legislation

- 10.6 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.
- 10.7 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.
- 10.8 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 10.7 above.
- 10.9 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.
- 10.10 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
- www.equalityhumanrights.com/en/advice-and-guidance/equality-acttechnical-guidance
- 10.11 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

- 10.12 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

- 10.13 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.

11. Crime and Disorder Implications

- 11.1 There are no crime and disorder implications.

12. Equalities Implications

- 12.1 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.
- 12.2 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.

13. Environmental Implications

- 13.1 Every effort will be made to enhance rather than detract from school environments in the solutions to providing amalgamations of schools.

14. Background documents

Appendix 1 – Closure of Sandhurst Junior School - Anonymised Representation responses, and Change of age range of Sandhurst Infant School – Anonymised Representation responses

Appendix 2 – Copy of Proposal to close Sandhurst Junior School

Appendix 3 – Copy of Proposal to change the age range of Sandhurst Infant School

Appendix 4 – Copy of Statutory Notice to close Sandhurst Junior School

Appendix 5 – Copy of Statutory Notice to change the age range of Sandhurst Infant School

Appendix 6 – Statutory Guidance for Decision Makers

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<http://councilmeetings.lewisham.gov.uk/documents/s53918/Amalgamation%20of%20Sandhurst%20Infant%20School%20and%20Sandhurst%20Junior%20School.pdf>

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<http://councilmeetings.lewisham.gov.uk/documents/s51403/Amalgamation%20of%20Sandhurst%20Infant%20and%20Junior%20Schools.pdf>

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