Appendix 1

CABINET

11 JULY 2012

Title: Proposed Amalgamation of William Ford Church of England (Voluntary Aided) Junior School and Village Infant School	
REPORT OF THE CABINET MEMBER FOR FINANCE AND EDUCATION	
Open report	**For Decision**
Wards Affected: Village Ward	**Key Decision:** Yes
Report Author: Mike Freeman, Group Manager – Schools Estate and Admissions	**Contact Details:** Tel: 020 8227 3492 E-mail: mike.freeman@lbbd.gov.uk
Accountable Divisional Director: Jane Hargreaves, Divisional Director of Education	
Accountable Director: Helen Jenner, Corporate Director of Children's Services	

Summary:

This report presents a proposal for the amalgamation of William Ford Church of England Junior School and Village Infant School to form an all through Church of England Primary School with effect from 1 September 2012 (Academic year 2012/13).

This proposal has been initiated for the following main reasons:

- educationally, a single school is able to ensure a more consistent approach to teaching and learning for the children than two separate schools;
- a single school can look at its management structure with a view to ensuring the best use of staff across the whole school. The combined expertise of the staff would be greater than in the two separate schools;
- a single school would have a combined budget and would benefit from greater flexibility;
- a single school would be able to rationalise the use of all resources and gain efficiencies including the benefits from the combination of funding from the individual school budgets.

The consultation process regarding this proposed amalgamation is due to conclude on Tuesday, 10 July. Any changes to the report will be presented at the meeting.

Recommendation(s)

The Cabinet is recommended to :

(i) Agree the proposal for the amalgamation of William Ford Church of England Junior School and Village Infant School to become an all through Church of England Voluntary Aided Primary School with effect from 1 September 2012, by the closure of the existing infant school and expanding the age range of the existing Church of

England voluntary aided junior school;

(ii) Agree to grant a lease for a peppercorn rent of the amalgamated site together with the adjoining access road and school house shown on drawing number LBBD/GIS/002 attached to this report as Appendix B, to the Trustees of William Ford School, for the purposes of ensuring that the through school can operate on one site; and

(iii) Delegate authority to the Corporate Director of Children Services, in consultation with the Corporate Director of Finance and Resources and the Divisional Director of Legal and Democratic Services, to agree terms and conclude the necessary legal agreements to facilitate the merger of the two schools.

Reason(s)

The Cabinet needs to consider the proposed changes which are to be implanted under the requirements of the Education and Inspections Act 2006. The Council's policy is to consider amalgamation of linked infant and junior schools whenever a headship is vacant and, over time, to amalgamate linked infant and junior schools. For this infant and junior school, there are clear benefits of amalgamation. This amalgamation is different because of the differing types of schools. Further, Cabinet also needs to consider the land issues and the formation of a lease at a peppercorn rent.

1. Introduction and Background

1.1 Management arrangements at Village Infant Schools are going through a process of change with the Headteacher announcing an intention to retire at the end of August 2012. This has therefore created an opportunity to examine the existing arrangements of organisation at the Schools. Further, the William Ford Church of England Junior School and Village Infant School are suitable for amalgamation owing to their size and their location on a shared site.

1.2 There are ten faith schools in Barking and Dagenham; six of these are Catholic Schools and four of these are Church of England Schools (this includes William Ford Junior School).

1.3 Of the six Catholic Schools, five are Primary Schools and one a Secondary School. Of the Church of England Schools, one (William Ford School) is a junior school, two are primary schools and one a Secondary School.

1.4 There is a strong demand for the high quality education provided by William Ford School and clear support from parents for its ethos and commitment to the local community. This can be seen through the multicultural and multi-faith nature of the intake and the demand for places. Whilst it is a Church of England School, William Ford had always welcomed all of the children who transfer from Village Infants School.

2. Proposal and Issues

2.1 Technically, the proposal involves five things; closing, or discontinuing, the Infant School with effect from 31st August 2012, enlarging the premises of the existing Junior School by including the buildings previously used by the Infant school,

making an alteration to current junior school by lowering the age range of the pupils there, from 7 to 11 years to age 3 to 11 years, increasing admission numbers from 81 to 90 each year, and adding nursery provision, with effect from 1 September 2012. All pupils on the school roll of the Infant and Junior schools as at the end of the Autumn Term 2012 will transfer onto the roll of the Primary School.

2.2 There are different types of school within the local authority maintained sector and most are community schools. Village Infants School is a community school. In these schools the Local Authority is responsible for employees, land, funding and admissions. Some are Voluntary Aided Schools. Voluntary-aided (VA) schools are maintained schools and often, but not always, have a religious character. William Ford is a Voluntary Aided Church of England school with a religious character. The Governing Body employs staff directly, the trustees hold land on trust for the school, the Local Authority is responsible for funding, but the governing body must usually pay at least ten per cent of the costs of capital work. The Governing Body is responsible for the admissions policy and arrangements. However, they are required to consult on any changes to these.

2.3 The Governing Body of the Junior School will determine a new Instrument of Government, in accordance with The School Governance (Constitution) (England) Regulations 2012, once the Primary School is set up. These regulations come into force on 1 September (replacing ones of the same name made in 2007) and apply to any governing body that is constituted under an instrument of government that takes effect on or after 1 September 2012. These regulations stipulate the composition of governing bodies. For Voluntary Aided Schools Foundation Governors must outnumber all other governors by two. .

2.4 This proposal will set a uniform standard number of 90 pupils per year group and will give a consistent provision across all the age ranges.

2.5 The admissions criteria for the newly formed primary school have been reviewed to reflect the proposed primary school status and in order to protect admissions for all sections of the local community, the Governors have adopted as part of their admissions policy the following statement:

> If admissions from Dagenham Parish Church exceed 10%, the governing body commits to immediately review the Admissions Policy, in partnership with the Diocese & Local Authority, to make sure it remains a school committed to serve its local community.

2.6 Village Infant Schools is a good school, highly regarded by the community. William Ford School is an outstanding school and has been judged by Ofsted as outstanding for the last three inspections over a period of more than 10 years. The quality of education provided is so strong it was used as an example of very best practice in a Ofsted publication “Twenty outstanding Primary Schools - excelling Against The Odds”. This sort of education alongside the philosophy which promotes strong outcomes for every child is highly sought after and provides a shining example of Barking & Dagenham education at its very best.

2.7 This high quality education is in line with the Council’s Policy House whereby we want a borough that believes in opportunity and one that recognises and champions success. The junior school was judged to be outstanding at its last Ofsted

inspection in July 2010 and the infant school was judged to be good at its last Ofsted inspection, also in July 2010. An interim assessment was carried out by Ofsted in March 2012 at Village Infant School and the schools' performance has been sustained. There is the potential to improve value for money across the proposed amalgamated schools.

2.8 The benefits seen in this proposal include:

- an amalgamated school will ensure approaches to teaching, learning and planning the curriculum are consistent and coherent;
- the primary school will have a combined budget and would benefit from greater flexibility;
- the primary school will be able to rationalise the management structure to ensure the best use of staff across the school. The combined expertise of the staff would be greater than in the two separate schools.

2.9 On amalgamation of the schools, any current extended school services offered by the Infant and Junior schools will continue in the same way, unless the primary school decides otherwise.

2.10 This proposal meets with the key principles of the Education Strategy:

- for raising of the expected standards and shared ambition for all the children who live in the borough;
- for a commitment to sustain and refresh the partnership between schools and the Council which has been a critical factor in the improved outcomes for children and young people.

2.11 In particular the Education Strategy sets out the agreement for a programme for developing school places subject to the proviso that it may need revision in the light of changed demand for places and resources available.

2.12 The newly formed primary school will have staff from the existing Village Infant's School transferred to it under TUPE regulations.

2.13 If the amalgamation is approved a commitment is sought to bring certain aspects of the school physically together. There was a similar commitment in recent amalgamations and this may involve a modest capital investment to be met from existing grants.

3. Options Appraisal

3.1 Realistically there are three options to be considered in respect of the future arrangements for Village Infants and William Ford Schools. First would be to amalgamate the two schools forming a single school under one governing body. Secondly, to make no change and leave the schools separate. The third option would be to develop two primary schools. These options are explored further below.

3.2 **Option 1**

The council has a policy which requires a review of linked or adjoining infant and junior schools to consider the possibilities of amalgamation when there is an appropriate opportunity. The decision by the current Headteacher of Village Infant School to retire presents that opportunity now. The Governors and Headteacher of William Ford Junior School fully support the proposal, and the Diocese of Chelmsford are also in support. Approximately 25 parents attended the parental consultation meeting. They were able to raise concerns and these are documented. There is clear evidence over the years that parents are very supportive of the work of both existing schools. Most parents have over the years chosen for their children to progress from Village Infants Community School to William Ford Church of England Junior. To date the fact that the junior school has a religious character has had no negative impact on this. On the contrary, parents have demonstrated a preference for the education offered by it. The proposal accounts for possibility that should applications and admissions on faith criteria increase beyond a certain amount, the admission criteria will be reviewed, so that the school remains one that serves that entire community. Any local parents who want their child to attend a non denominational school have the option of applying to 4 other schools within 1.5 kilometres.

3.3 **Option 2**

An alternative is to make no change at this time and allow the schools to continue separately. This would be contrary to the Council's intended policy and would mean the opportunity afforded by the retirement of the Village Infant School Headteacher will pass. It would also involve the Infants School in a Headteacher recruitment process, and would need arrangement for cover for the Infants Headteacher to be made for next term.

3.4 During the course of consultation about the possible amalgamation proposals a further option did come forward and this was the possibility of both schools developing into primary schools. This option was explored but discounted as demand would have meant an additional nursery being provided, and each school's intake would have reduced. Both Schools currently admit up to 3 forms of entry. It would not be possible on the current site to allow each school to become a 3fe primary schools. Any reduction in size of school would mean fewer pupils being admitted. If a proposal was put forward to develop two schools to 2fe then the costs would be in the order of £2.95m to £3.7m with pressure for some additional play space.

3.5 The current recommendation on balance would therefore be to proceed with the amalgamation proposal, although this would be subject to the continuing consultation which ends on 10 July 2012.

4. Consultation

4.1 Governing Bodies of all infant and junior schools in the borough were presented with a report in the Spring Term of 2011 that included information on the Local Authority's policy to amalgamate all separate infant and junior schools over time, where governors were invited to discuss and comment. This was repeated to all governing bodies in the following (Summer) term.

4.2 **Village Infant School**

4.2.1 A series of meetings have been held to consult with Headteachers, Chairs of Governors and/or Governors, staff and Unions as follows:

- 11 October 2011 - a meeting with the Headteacher of the school
- 29 November 2011 - a meeting was held with the Governing Body.
- 5 December 2011 - a meeting was held with staff.
- 6 February 2012 - meeting with the Governing Body of both William Ford Junior and Village Infant Schools.
- 9 March 2012 - a meeting was held with Unions and the Director of Children's Services
- 13 March 2012 - a meeting was held with the Chairs of the Governing Body's for both Village Infant and William Ford Junior Schools.
- 20 March 2012 - a meeting with the Chair and Vice Chair of Governors
- 22 March 2012 - a meeting was held with the Chair of the Governing Body.
- 3 April 2012 - a meeting was held with the DCS and 3 elected ward members
- 19 April 2012 - a meeting was held with parents of both schools.
- 14 June 2012 - a meeting was held with DCS, Lead member and Village governors and staff.

4.3 **William Ford (Church of England) Junior School**

4.3.1 Meetings to consult with Headteachers, Chairs of Governors, Governors, Staff and Unions were held as follows:

- 4 November 2011 - meeting with Dr Duncan Ramsey, the Headteacher of William Ford Junior School.
- 12 January 2012 - meeting with the Governing Body of the school.
- 6 February 2012 - meeting with the Governing Body of both William Ford Junior and Village Infant school.
- 9 March 2012 - Meeting with Unions and Human Resources.
- 13 March 2012 - Meeting with Chairs of Governors of both William Ford Junior and Village Infant Schools.

- 19 April 2012 - Meeting with parents of both William Ford Junior and Village Infant Schools.

4.4 A consultation letter regarding the proposed amalgamation was sent to parents, carers, guardians of pupils, staff and governors of both Village Infant School and William Ford Junior School on 19 March 2012. This letter was also sent to Trades Unions of both teaching staff and support staff. A follow-up letter to the aforementioned letter was sent on 22 March 2012 providing clarification that it was proposed the new primary school would be a Church of England Voluntary Aided Primary School. The Council has also been in consultation with the Diocese of Chelmsford regarding this proposal and the Diocese supports this proposal.

4.5 The Governors of William Ford Church of England Junior School in consultation with the Council has published a formal statutory notice to expand William Ford Junior School and discontinue Village Infant School from the start of the Autumn Term, 1 September 2012 with standard new admission numbers as set out in section 2.3 above in each year group. The notice was published in The Barking and Dagenham Post on 30 May 2012 to begin a formal consultation process which ended on 10 July 2012. The Notice has been displayed at the main public library in Barking and on both the infant and junior school notice boards.

4.6 An Evidence File has been created containing minutes of all of the meetings held in relation to the proposed amalgamation of the two schools and all correspondence received. Also contained within the evidence file is a copy of the Notice that was published in the Barking & Dagenham Post on 30 May 2012 and the two proposal documents. These documents are listed at Appendix A, and contained in the Evidence File with all letters received. Appendix A gives an indication of how the authors of individual letters perceive the proposal.

4.7 **Key issues of concern**

4.7.1 Consultation responses have been analysed and the following areas of concern were raised:

- Loss of specialist infant and early years experience – the provision of a primary school does not erode the specialist features but becomes an integrated provision the very nature of education, care and support for pupils in their formative years needs to be maintained in any primary setting and there is an opportunity to share aspects of that process with other colleagues. Further there is an opportunity to enhance that provision from aspects of other areas of a primary school setting.

- Risk that the school becoming a Church of England School could lead to Academy status – William Ford School is an outstanding school and as such is given certain opportunities. It would have nothing to gain from seeking academy status. To date the Governors have not shown any interest in seeking to pursue academy status, and the Diocese of Chelmsford are neither promoting nor actively encouraging its schools to seek academy status.

- Potential risk that new school being voluntary aided would not be prepared to expand to meet the demands of the community, if necessary – the evidence suggests that previously the William Ford School has responded to expand from 2 to 3 forms of entry. There are some physical constraints which might be problematic in the event there was a desire to expand to 4 forms of entry. At this stage there is no evidence to suggest that the Governors of William Ford School would not support demand from the local community to access the school.

- The admissions criteria would not prioritise local children – the existing Governors of William Ford School have considered and responded to this issue in accordance with paragraph 2.5 above and would want to ensure that local children are being accommodated in William Ford as a local school in the way that they have traditionally supported local children. All children from Village, whose parents wish, currently secure a place at William Ford School when they move to Junior School at Year 3. The admissions criteria would be a matter for the new Governing Body but there is a clear commitment from the existing William Ford Governors to want to support the principles outlined.

- The Village School name would be lost – the naming of the school is a matter for the new Governing Body once established and there have been some initial discussions at Governing Body level about a possible alternative name.

- Staff transfer arrangements might disadvantage staff – because there are no staffing reductions planned staff cannot be given redundancy or redeployment rights. They will have continuity of pay, conditions and pensions. In a larger institution such as a primary school there are likely to be greater opportunities to secure alternative or improved employment.

- Staff who had applied to work in a community school had no choice about joining a C of E School and may find this personally challenging of their faith perspective - . the Local Authority have given assurances that if staff feel they do not wish to work in the amalgamated school on religious grounds then those staff will be supported and if this includes moving to a non faith school we will undertake to do this.

4.7.2 Petitions and Surveys – the consultation has resulted in both schools seeking views from the local community. In terms of Village Infants there is a signed petition objecting to the closure of the Village Infants School and this is widely supported. The William Ford School sought views from parents about the amalgamation and development of the primary school provision and there was very clear support that the principles of amalgamation would bring benefits to parents.

4.7.3 The Director of Childrens Services has been notified by the National Union of Teachers that staff at Village Infant School have voted to take strike action, because the proposed contractual changes. They are prepared to continue discussions.

4.7.4 There will be an evidence folder available at the meeting which includes all correspondence and appropriate responses.

4.7.5 Any further issues raised subsequent to the writing of this report will be brought to the attention of Members of Cabinet.

5. Financial Implications

Implications verified by: Dawn Calvert, Finance Group Manager

5.1 In terms of formula allocations, for the financial year 2012 /13 William Ford Junior School will receive £1.508m and Village Infants School will receive £1.284m. On amalgamation, it is likely this amount of allocation would remain the same as allocations are chiefly driven using factors that include pupil numbers and the gross internal area of the school buildings and these factors are unlikely to change. The amalgamated school will cross the larger school threshold which will attract £21k per annum of additional funding. All funding is sourced from the Dedicated Schools Grant. It is important to note a new School Funding Formula will be in place from April 2013 and the impact of this new formula on current school allocations is not yet quantifiable. It is hoped the impact of transition will be minimal.

5.2 It is not the intention of the amalgamation to reduce budgets. However, over time it is expected that owing to efficiencies in staffing there could be some savings which would accrue to the School's budget.

5.3 Schools are required to make efficient use of resources and the Governing Body would need to review its budget priorities and staffing structures in the light of demands and the requirement to respond to the needs of young people attending the school.

6. Legal Implications

Implications verified by: Lucinda Bell on behalf of Fiona Taylor, Legal Group Manager

6.1 The Education and Inspections Act 2006 and associated Guidance issued by the Department for Education allows the Local Authority, working with the Governing Body of the junior school, to amalgamate two schools through closure of Village Infant School and consequent change in the lower age limit of William Ford Junior School to form an all through Primary school, with nursery, that will occupy the site of the two current schools, thereby enlarging the premises of the current junior school. The resulting school will be a Church of England primary school with a slightly increased admissions number of 90. The Act allows for the Local Authority to make some of the necessary proposals, and the Governing Body others. All related decisions are taken by the Local Authority or the Schools Adjudicator if there is a request that this is the case, or the Local Authority fails to make a decision within two months of the date of the proposal.

6.2 Implementation of the proposals would change the current school governance arrangements. There will be one governing body that will have the powers and functions of a governing body of a voluntary aided school, which includes being the employers of staff at the newly formed primary school.

6.3 There are two ways to 'amalgamate' two existing schools:

a) by closing down both schools and opening a new one which will result in a new school number being issued for it; or

b) close one school and enlarge the age range of an existing school to accommodate the displaced pupils.

6.4 The report proposes discontinuance of Village Infant School and a consequent change in lower age limit, small increase in admissions numbers, enlargement of the premises and addition of a nursery to William Ford Church of England Junior School. An all through Church of England Voluntary Aided Primary school will be created.

6.5 The Governors of the current junior school and the Council may make proposals, but must comply with the requirements specified in Part 2 of the Education and Inspections Act 2006, Schedule 2 to the Act and regulations made under the Act.

6.6 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 ("the Discontinuance Regulations") govern the proposed discontinuance. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 ("the Prescribed Alterations Regulations"), govern the proposed change in lower age limit.

6.7 In respect of both the discontinuance and the change in age limit, the Council is required to follow a two stage process; to consult with interested parties (families of the pupils, staff, trade unions and governing bodies) and to then publish its proposals. The consultation period is not prescribed in statute. However, the Department for Education provides a Guideline of 6 weeks. The Council must demonstrate how it considered the views of the consultees. At the end of that period, the Council is required to publish its proposals to discontinue the infant Schools and extend the age range of the Junior Schools. The published proposals should state that the two proposals are dependent, i.e. one will not be implemented without the other.

6.8 It is essential that the published notices comply with the statutory requirements as set out in the Regulations otherwise they may be judged invalid.

6.9 Once proposals are published, a 6 week statutory representation period should follow during which comments on the proposals can be made.

6.10 The Council will make the final decision following that period.

6.11 Once approved, the proposals must be implemented as published.

6.12 There will be changes in school governance as a result of these proposals but the school will remain a local authority maintained (as a voluntary aided) school, although there will only be one governing body for the future for the primary school. The consultation process is designed to support these changes.

6.13 Equalities issues

S149 of the Equality Act 2010 imposes a duty on all public authorities, in the exercise of its functions, to have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act
b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This is relevant to this decision, since the effect of the proposed decision is to remove the non faith primary education for years Reception to two inclusive that was previously available at Village Infants School. Parents who wish their children to access non faith provision for these years will have the choice of applying to 4 other non-faith schools with 1.5 kilometres of Village Infants School. There will be no change in this regard for pupils in years 3 to 6. In fact, historically, almost every pupil who attended Village Infants School has transferred to William Ford Junior School. It is therefore not considered that this proposal will have anything other than a negligible effect in the area, but it is nevertheless the duty of decision makers to have regard to the s149 duty, in relation to each of the protected characteristics listed in the Equality Act; age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

6.14 Land Issues

The report indicates that the amalgamated site will be leased to the Trustees of the William Ford School for a peppercorn rent. The report assumes that the freehold interest in the amalgamated site is held by the Council. The terms of the lease will need to be negotiated by Property Services in consultation with the Legal Practice. It may be necessary to review existing arrangements for the use and occupation of the sites by the two schools.

7. Other Implications

7.1 Risk Management

These proposals effectively close the infant school and expand the junior school to a primary school covering the age range 3-11 years. William Ford Church of England Junior School was judged ‘Outstanding’ in their last Ofsted inspection and Village Infant School was judged ‘Good’ in its last Ofsted inspection, both carried out in July 2010.

7.2 Staffing Issues

Staff at both infant and junior schools will be informed that they will be employed at the Primary School with effect from 1 September 2012. This will mean that the line management employer for some will change. However under TUPE, all terms and conditions of their contract of employment will remain the same if these proposals are agreed.

7.3 Property / Asset Issues

The Village Infant School Building will be transferred as an asset in Trust to the Diocese under a lease at a peppercorn rent of £1 per annum. The amalgamation of the schools will allow for a pooling of asset related revenue budgets, and the ability

to manage property costs over both buildings, which will support a better maintenance regime.

8. Background Papers Used in the Preparation of the Report:

- Legislation which allows this – Education and Inspections Act 2006
- DFE Guidance – Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form and Closing a Maintained Mainstream School
- Council Policy House
- Children and Young People Plan

9. List of appendices:

- Appendix A – List of documents contained in Evidence File

- Appendix B – Village Infant's and William Ford Schools – Drawing Ref: LBBD/GIS/002