

## CABINET

19 March 2019

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| <b>Title:</b> Amalgamation of Marks Gate Infant and Junior Schools to form a Primary School   |   |
| <b>Report of the Cabinet Member for Educational Attainment and School Improvement</b>   |   |
| <b>Open Report</b>  | <b>For Decision</b>   |
| <b>Wards Affected:</b> Chadwell Heath   | <b>Key Decision:</b> No   |
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| <b>Accountable Director:</b> Jane Hargreaves, Commissioning Director of Education   |   |
| <b>Accountable Strategic Leadership Director:</b> Elaine Allegretti, Director of People and Resilience  |   |
| <b>Summary</b><br><br>This report presents a proposal for the amalgamation of Marks Gate Infant and Junior Schools to form an all-through primary school with effect from the start of the Autumn Term 2019 (academic year 2019/20).<br><br>This proposal has been initiated for the following main reasons: <ul style="list-style-type: none"><li>• a single school is able to ensure a more consistent approach to teaching and learning for the children than two separate schools;</li><li>• the school can look at its management structure with a view to ensuring the best use of staff across the two schools. The combined expertise of the staff across one school would be greater than in the two separate schools;</li><li>• the school would have a combined budget and would therefore benefit from greater financial flexibility;</li><li>• the school will be able to rationalise the use of all resources and gain efficiencies including benefits from combining the individual school budgets and surplus balances carried forward from previous years.</li></ul> |   |
| <b>Recommendation(s)</b><br><br>The Cabinet is recommended to agree the amalgamation of Marks Gate Infant and Junior Schools into one primary school with effect from 1 September 2019.   |   |
| <b>Reason(s)</b><br><br>To comply with the requirements of the Education and Inspections Act 2006 regarding changes proposed in the organisation and structure of schools.  |   |

## **1. Introduction and Background**

- 1.1 The Council's policy has been to consider amalgamation of linked infant and junior schools whenever a headship is vacant or there are supportive reasons to make a change.
- 1.2 The management arrangements at Marks Gate schools have been through a process of change and are currently joined under a formal Executive Headteacher arrangement. There is also a single Governing Body. This has afforded an opportunity to examine the existing arrangements for organising the schools and the way in which the two schools are currently operating. The Executive Headteacher and Governing Body are keen to explore closer links between the two schools. The schools are suitable for amalgamation owing to their size (3 forms of entry – 90 pupils per year group) and their shared site.

## **2. Proposal and Issues**

- 2.1 Technically, the proposal involves closing Marks Gate Infant School with effect from 31 August 2019 and changing the age-range of the existing Junior School. The age-range will be expanded from age 7 to 11 years to age 3 to 11 years with effect from 1 September 2019. All pupils on the school roll at the end of the Autumn Term 2019 will transfer onto the roll of the Primary School.
- 2.2 An interim governing body is to be established to focus on the amalgamation of the schools. This governing body will determine a new Instrument of Government, in accordance with the Education School Governance (Constitution) (England) Regulations 2003, once the Primary School is set up.
- 2.3 This proposal will set a uniform standard number of 90 pupils per year group and will give consistent provision across all the age ranges.
- 2.4 The benefits of this proposal will include:
  - An amalgamated school would ensure schemes of work and approaches for the children are consistent as they get older.
  - The school would have a combined budget and therefore would benefit from greater financial flexibility.
  - The school would use a rationalised management structure to ensure the best use of staff across the schools. The combined expertise of the staff across one school would be greater than in the two separate schools.
- 2.5 On amalgamation of the schools, any current extended school services offered by Marks Gate Infant and Junior schools will continue in the same way, unless the school decides otherwise.

## **3 Options Appraisal**

- 3.1 As indicated in above, there was a dialogue with representatives of the Governing Body to explore options. There was in-principle support for an amalgamation and it was agreed to begin the statutory consultation process.

- 3.2 Further, Marks Gate Junior School was judged a 'Good' School at its last Ofsted Inspection in October 2018. On 20 September 2016 the Infant School was inspected and dropped from a 'Good' rating to 'Requires Improvement'. The infant school was re-inspected in early January 2019 and the team recognised the improvements made, including effective support from the local authority. The report published on 31<sup>st</sup> January judged the school as being good.
- 3.3 Amalgamation is recommended as the preferred option, as opposed to continuing with the current two school arrangement. The Local Authority supports this approach as the next phase of delivering improvements for both schools.
- 3.4 An alternative option is to close both schools and seek to open a new school to meet the needs of pupils within the area. The circumstances in which a Local Authority may establish a new school are very limited and do not apply here. Instead, there is a "free school presumption", which requires that the Council seeks proposals to establish a free school where there is an established need for a new school in the area.
- 3.5 The final alternative option is to 'do nothing' and maintain current arrangements for two separate schools.

#### **4. Consultation**

- 4.1 Consultation regarding the amalgamation of the schools has taken place and includes discussions at Governing Body meetings on 17 October and 12 December 2018. A letter was sent to parents, carers, guardians and pupils of both schools on 30 October 2018. The letter was also distributed to all staff, staff representative bodies and to the existing Governors of the schools.
- 4.2 A Notice was published in The Barking & Dagenham Post on 9 January 2019. The notice period ended four weeks from the date of publication on 5 February 2019. The notice was on display at the main public libraries in Barking & Dagenham and on both the Infant and Junior School notice-boards.
- 4.3 Therefore, parents have had the opportunity to raise any concerns or issues. No responses were received regarding the letter sent to parents, carers, guardians and pupils of both schools on 30 October 2018. Similarly, no responses have been received following the Notice published on 9 January 2019.

#### **5. Financial Implications**

Implications completed by: Feroza Begum, Group Accountant, Finance

- 5.1 The schools have been advised of the financial impact on their budgets. The school funding formula provides tapered financial protection for amalgamating schools through adjustment to the lump sum.
- 5.2 In broad terms, school budget allocations are determined on pupil and premises led factors. The latter includes a fixed lump sum of £124k paid on a per school basis in recognition of fixed costs.

- 5.3 In the year of amalgamation (the 2019/20 financial year), the new combined school will continue with the combined budget of the two separate schools for the remainder of the year. This will mean retaining the two lump sums in respect of the two individual schools (£248k). The year following amalgamation (2020/21), the new school would retain 85% of the combined lump sum for the previous two schools (£248k at 85% protection as prescribed by the DfE = £211k).
- 5.4 Under current funding regulations, in the second year after amalgamation (2021/22), the Local Authority can choose to continue to apply protection not exceeding 70% (£174k) of the combined lump sum subject to approval by the DfE. At the end of this transition period, the new school would receive a single lump sum from 2022/23 onwards.
- 5.5 In addition, there will be a reduction in the devolved formula capital allocation which is allocated on a per school basis. Devolved formula allocations for Infant and Junior schools for 2018/19 are £7k and £8k respectively. After amalgamation, allocation would be reduced to only one allocation for the primary school. However, this should not have any significant effect on the school's budget or on the projects planned for the forthcoming budget settlement.
- 5.6 The amalgamation would allow the school to rationalise the use of resources and gain from economies of scale by combining operations and streamlining procurement of services. It is important that this process is carefully managed and monitored by the governing body to ensure that the impact for the school budget is maximised and that the 2017/18 closing deficits (£88k Infant deficit balance and £15k Junior deficit) are cleared.
- 5.7 All costs related incidental or otherwise to this proposal will be met from within the school budget share allocation.

## **6. Legal Implications**

Implications completed by: Lucinda Bell, Education Lawyer, Law and Governance

- 6.1 The report recommends that the Council takes a course of action available to it under the statutory processes relating to school reorganisation. Both schools are maintained by the Local Authority.
- 6.2 The alternatives as given in the body of the report are:
- That the Council does nothing, leaving the existing schools as they are.
  - Alternatively, to create a through school: both schools could be closed and a new free school opened, as required by s6A of the Education and Inspections Act 2006 (the "free school presumption"). A sponsor would be needed and the Council would no longer maintain the school.
  - Finally, the Council may make use of the statutory processes relating to school organisation, by closing one school and expanding the other. This option is in line with Council policy.

- 6.3 The relevant law is contained in Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011. There are two relevant sets of regulations, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 and the School Organisation (Permitted Alterations to Maintained Schools) (England) Regulations 2013. The process for closing a Local Authority maintained school is described in the Department for Education (DfE) statutory guidance of November 2018. There is separate statutory guidance relating to making significant changes, October 2018. These describe how and why an authority may close a school, including wider school organisation such as amalgamation. To amalgamate two schools the Local Authority can propose to close one school and propose to change the age range of the existing school in order to accommodate displaced pupils. The remaining school retains its original school number because it is not a new school.
- 6.4 The two proposals are related and this must be made clear in the formal and informal representation periods, in published notices and proposals. The decisions must be considered together and the decisions made at the same time.
- 6.5 In order to close a maintained school the Council must follow this guidance in order to act lawfully.
- 6.6 The Authority may close or discontinue a school under s15 of the Education and Inspections Act 2006. It must follow the statutory process. The Council or Governing Body may propose the closure. Here the proposer would be the Council. After completion of the statutory process the decision will be that of the Council. The local Diocese would have the right to appeal against the decision. The decision must be made within a two-month period following the end of the representation period. Should a decision not be made by that time the proposal must be referred to the Schools Adjudicator. The Authority is proposing the change in age range, which must be done by following the statutory process because it a proposed change of 3 years or more.
- 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 recommendation 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 School and extend the age range of the Junior School. 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 4 weeks statutory representation period must follow during which comments on the proposals can be made. A copy of the notice and proposal must be sent to the relevant DfE department within a week of publication.

- 6.10 The Council will make the final decision following that period. A copy of the decision must be sent to the DfE.
- 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 community school with a single governing body for the future. The consultation process is designed to support these changes.

## 7. Other Implications

- 7.1 **Risk Management** - These proposals effectively close the Infant School and expand the Junior School to form a primary school covering the age range 3-11 years. The risks to the proposal are minimal. The headteacher is in post and has led both schools successfully through Ofsted inspections earlier this academic year. The headteacher and governing body have clear and convincing plans for further improvement and the amalgamation will support their implementation.
- 7.2 **Staffing Issues** - Staff at both schools will be informed that their employment will be with the Primary School with effect from 1 September 2019 and that all other terms and conditions of their contract of employment remain the same.
- 7.3 **Property/Asset Issues** - The amalgamation of the two 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. It is proposed that from the initial capital budget of £3.0m to support amalgamation and expansion that £1.5m be set against the amalgamation proposal. The aim will be to achieve in particular a new entrance/reception using the existing Junior School staffroom which will provide a new nursery, and because of the existing nursery's location, change its function to become a joint staff room. In addition, more specialist SEN facilities will be created to help support pupils with additional needs in a mainstream setting. The remaining £1.5m of the £3.0m budget is to be retained for potential expansion of the school at a future date.
- 7.5 **Contractual and Procurement Issues** - It is anticipated that projects will be procured through options related either to the Local Education Partnership, open competition or through the Council's Framework of Contractors or other national or local frameworks which are accessible to the Council, with a view to securing value for money.

It should be noted that if there are contracts held by either school, they will need to consider either novating the agreements to the new entity or allowing assignment rights to the new entity by the contracting parties. This will safeguard the new entity from being out of contract. In addition going forward, as the two schools' buying power will be assimilated into one, this may push spend levels up so they will need to consider EU legislation thresholds when re-procuring.

Legal, procurement, technical and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements to procure and secure individual projects. All procurement activity will be conducted in compliance with the Council's Contract Rules and EU legislation.

Projects will be subject to the Capital Appraisal Process and the agreement of the Procurement Board to progress schemes.

**Public Background papers used in the preparation of the report: None**

**List of appendices - None**