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|------------------------------------|--------------------------------|---|--|
| Item No. N/A | Classification: Open | Date: 13 March 2024 | Decision Taker: Deputy Leader and Cabinet Member for Children, Young People Education and Refugees |
| Report title: | | Comber Grove Primary School - publication of closure proposals | |
| Ward(s) or groups affected: | | Camberwell Green | |
| From: | | Alasdair Smith, Director of Children Services | |

RECOMMENDATION

1. That the Deputy Leader and Cabinet Member for Children, Young People Education and Refugees agree to publish proposals to close Comber Grove Primary School from 31 August 2024.

BACKGROUND INFORMATION

2. Comber Grove Primary School is a one form Entry (1FE) primary school, situated in Camberwell, in the Camberwell Green ward. For place planning purposes, the school is situated in Southwark pupil place planning area 4 (PA4 - Camberwell).
3. The school was, until 2019, a 1.5FE primary school (PAN of 45), when, due to falling rolls, the PAN at Comber Grove was reduced by 15 to 30, on application to the Office of the Schools' Adjudicator (OSA). Despite this, rolls have remained low at the school. Reception numbers fell to 17 in 2023-24 and are not expected to increase in 2024-25, or in the foreseeable future. As school funding is based on the number of children on roll the resources available for education are reducing. It is a core principle of the Council to protect Southwark's high quality of education - this may be compromised where the cost of teaching staff, equipment and enrichment activities become unaffordable.
4. Falling numbers of pupils is a serious issue for primary schools right across the capital. London Councils (2023) confirmed that '*London local authorities and schools are currently dealing with a significant and sustained period of reduction in demand for reception places, which has implications for school budgets and standards. The fall in demand reflects the decline in the birth rate since 2012 and changes in migration patterns*'. In Southwark, this trend has previously noted by Cabinet in relation to the annual Pupil Place Planning Reports (the latest being October 2023).

5. In January 2024, London Councils published “Managing Falling School Rolls in London, which noted “*Most London boroughs are expected to see a decline in reception pupil numbers from 2023-24 to 2027-28. Over this four year period there is a forecast drop in demand of 4.4% at reception on average across London*”.
6. The 2023 Place Planning report notes a substantial reduction in primary pupil numbers across the authority area in the last 5 years, particularly in the Camberwell locality (Planning Area 4), as well as a projected continuation of this reduction at least until the end of the decade.
7. In December 2022, Cabinet considered a report ‘*Keeping Education Strong: Strategy for future proofing primary schools and protecting the quality of education in Southwark*’. This outlined a strategy to address falling rolls. A further update on this Strategy, ‘*Keeping Education Strong Recommendations*’, was approved by Cabinet at its June 2023 meeting. This included a recommendation that the Council should have discussions with Comber Grove about the possibility of amalgamating with another Southwark Primary School.
8. Options for Comber Grove Primary School to amalgamate with other nearby primary schools have been explored. This would entail the school closing and all pupils being offered a place at one local school. While there are places available for all children nearby, no one school has space to accommodate all the children and in any event the geographical spread of schools across the area means that parents are likely to choose between a range of different schools. As the situation the school finds itself in is becoming increasingly challenging, it is felt that closure would strengthen the remaining local schools which are also challenged by the reduction in the primary school age population.
9. The statutory process to close a school is set out in the Department for Education’s statutory guidance document ‘*Opening and closing maintained schools statutory guidance for proposers and decision-makers*’ (2023). The process includes five stages as follows:
 - *Stage one – Consultation* **(ALREADY UNDERTAKEN)**
 - *Stage two – Publication* **(THIS REPORT REQUESTS THIS)**
 - *Stage three – Representation* **(THIS REPORT REQUESTS THIS)**
 - *Stage four – Decision*
 - *Stage five – Implementation*
10. Consultation on the closure of Comber Grove Primary School occurred for 6 weeks in November to December 2023, after the Cabinet Member for Children, Young People Education and Refugees approved a decision to consult in October 2023. Having considered the representations made, approval is now required to proceed to the next phase of the statutory closure process and decide whether or not to publish these proposals.

11. Therefore this report requests Cabinet Member approval for publication, as the Council's constitution requires Member authorisation for this type of consultation. The Council's Constitution - Section 3D - Decisions for Individual Cabinet Members - Paragraph 20 of the Constitution states: *“Following the outcome of the initial consultation process, to agree to publish the statutory notice”*.
12. This report is seeking agreement to proceed with Stage 2 – publication of proposals to close Comber Grove Primary School.
13. Cabinet Member approval is required to publish formal closure proposals (Stage 2) and to invite further comment on formal proposals from stakeholders - these proposals and the statutory notices are set out in Appendices 4 and 5 of the report.
14. Stage 3 will involve the receipt of formal representations from interested parties and stakeholders for a 4-week period from the date of publication in April 2024, completing in May 2024. Feedback from this and previous consultation will be summarised in a report to Cabinet, scheduled to occur in June 2024 (Stage 4). This will involve the writing of a Cabinet report following the LA's proposal to close, taking into account the above representations that were made during the pre-publication consultation and the publication of the statutory proposals in June. Stage 5 – should the Cabinet agree to the closure of the school – would be the formal closure of the school on the 31st August 2024.
15. The timetable outlined above is given in tabular format below

| Stage | Dates |
|---|--|
| Stage 1: Statutory Consultation with interested parties | 6 th November to the 24 th December 2024 (ALREADY UNDERTAKEN) |
| Stage 2: Publication | April 2024 (REPORT REQUESTS THIS) |
| Stage 3: Representation | April to May 2024, for four week period (REPORT REQUESTS THIS) |
| Stage 4: Cabinet decision | June 2024 |
| Stage 5: Implementation | 31 st August 2024 |

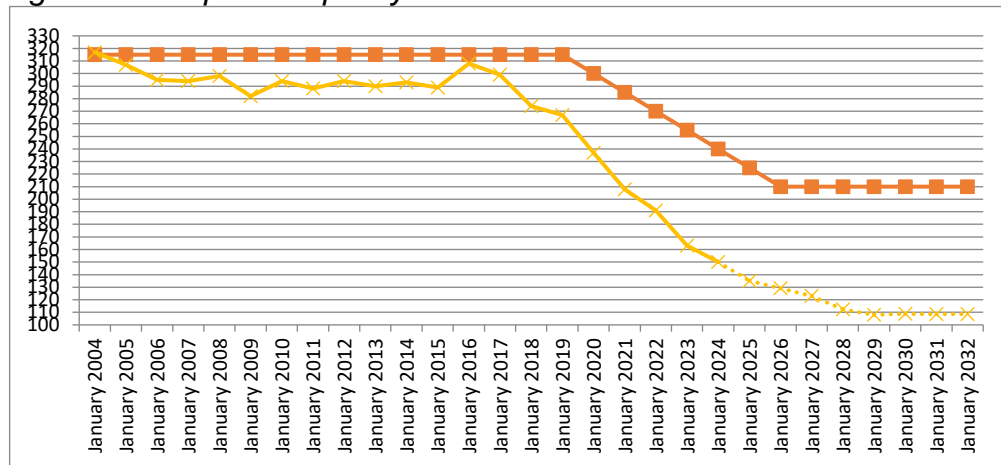
KEY ISSUES FOR CONSIDERATION

16. A key factor to consider is the continuing fall in roll and pupil numbers at Comber Grove. Overall, the school's roll at reception has fallen from 46 in 2015-16, to 17 in October 2023 – a reduction of 63%.

Figure 1 – Comber Grove Roll and Projections – YR to Y6 2014-2031

17. The roll in 2015-16 in all year groups (R to 6) was 308, and in October 2023, totaled 140, a reduction of 55%. Vacancies at the school overall across all year groups have risen from 7 in September 2015 (2%) to 100 (42%) in September 2023.

Figure 2 Reception Capacity PAN and Roll 2014-2023



18. The 2023-2024 roll by year group and the vacancy number for each are given below for Comber Grove School. The school was formerly a 1.5FE school but reduced its PAN from 45 to 30 via an application to the Office of the Schools Adjudicator in 2019-20 - this accounts for the different PANs in years 4 to 6.

Table 1 Comber Grove Roll 2023-24 by Year Group

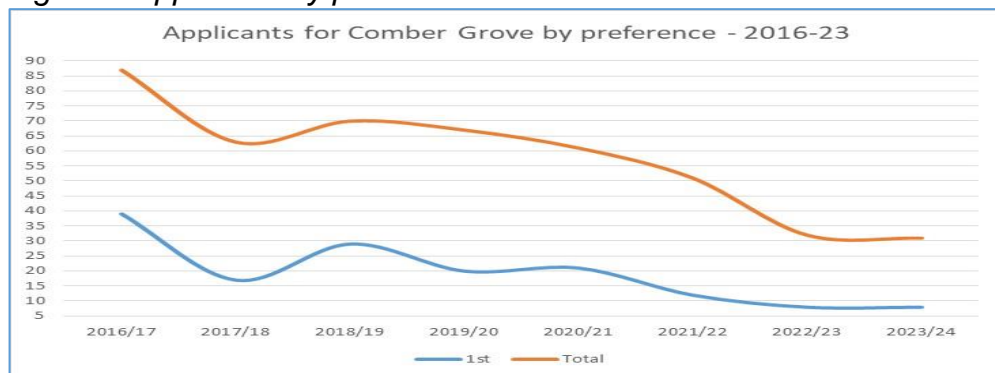
| Year | R | 1 | 2 | 3 | 4 | 5 | 6 | Total |
|-------------|----|----|----|----|----|----|----|-------|
| PAN 2023/24 | 30 | 30 | 30 | 30 | 30 | 45 | 45 | 240 |
| Roll | 17 | 15 | 21 | 27 | 21 | 21 | 18 | 140 |
| Vacancies | 13 | 15 | 9 | 3 | 9 | 24 | 27 | 100 |

19. The school therefore presently has 100 vacancies across all year groups, 42% of the available roll. Reducing the PAN from 45 to 30 did not substantively address the overcapacity, and rolls are projected to continue to reduce. Applications to the school at reception have also fallen considerably. Since 2016, the overall number of applications has fallen from 87 to 31, a reduction of 64%. Similarly, for 1st preferences, numbers have reduced by 79%, and 1st to 3rd preferences by 70%

Table 2 – Applicants to Comber Grove 2017-2023

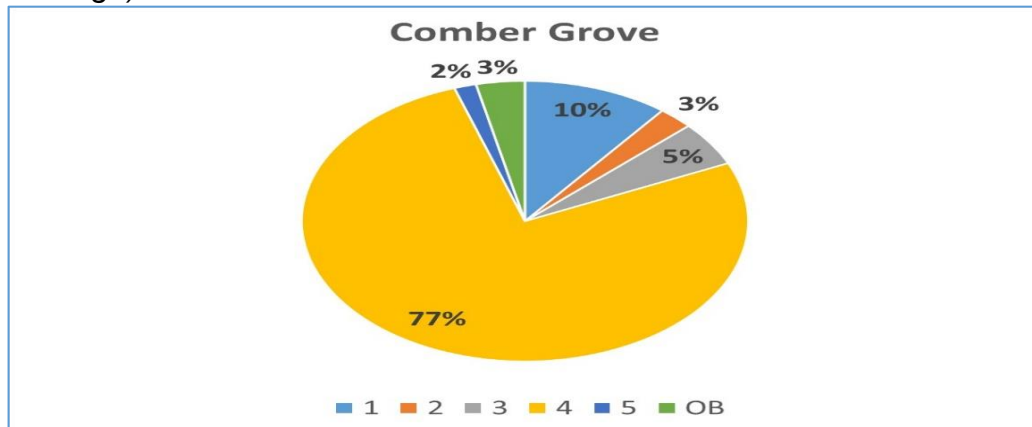
| Year | 1 st | 2 nd | 3 rd | 4 th | 5 th | 6 th | Total | PAN |
|---------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-------|-----|
| 2016-17 | 39 | 14 | 17 | 8 | 4 | 5 | 87 | 45 |
| 2017-18 | 17 | 16 | 8 | 9 | 11 | 2 | 63 | 45 |
| 2018-19 | 29 | 19 | 9 | 5 | 5 | 3 | 70 | 45 |
| 2019-20 | 20 | 10 | 23 | 6 | 4 | 4 | 67 | 45 |
| 2020-21 | 21 | 13 | 9 | 7 | 8 | 1 | 61 | 30 |
| 2021-22 | 12 | 18 | 11 | 6 | 3 | 1 | 51 | 30 |
| 2022-23 | 8 | 5 | 9 | 5 | 3 | 2 | 32 | 30 |
| 2023-24 | 8 | 9 | 4 | 7 | 1 | 2 | 31 | 30 |

Figure 3 Applicants by preference 1st Choice and Overall



20. The origin of most pupils is from Planning Area 4 (77%) and, of these, the great majority (70%) come from the Camberwell Green ward. Of the non-PA4 pupils, the biggest proportion come from PA1 (Borough, Bankside and Walworth), a planning area that has also seen a considerable drop in numbers and births.

Figure 4 - % of pupils by Planning Area of residence (PAs 1-5 or Out of Borough)

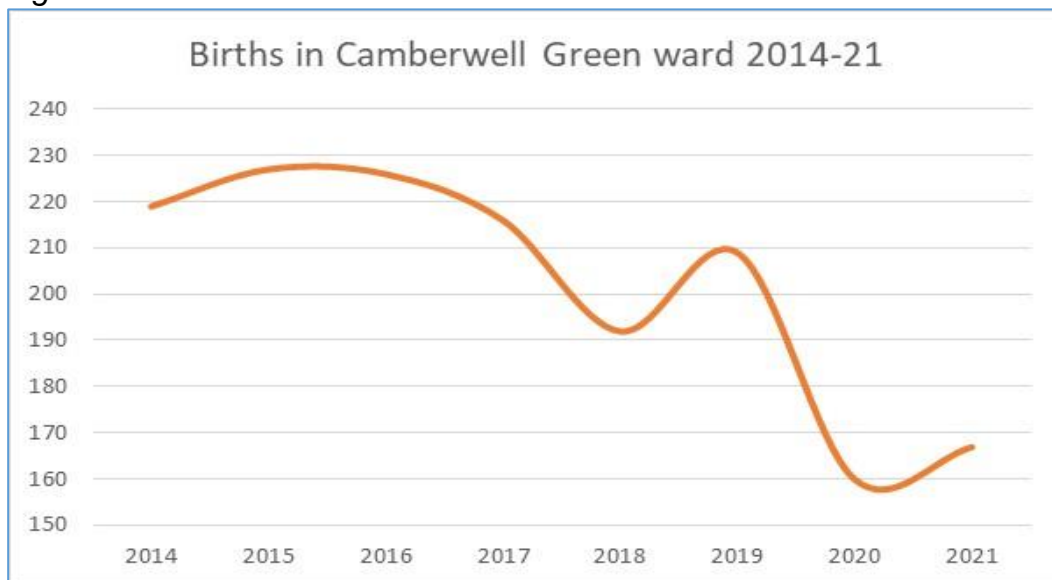


21. Births in the Camberwell Green ward – where the school is situated and where over 70% of its pupils come from – have reduced since 2016 by 59 – 26% lower in 2021 than previously. This would usually lead to a reduction in reception roll four years hence, meaning there will be a further drop in 2024 of around 49 births (23%).

Table 3 – Births in Camberwell Green ward 2014-21

| Year | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|--------|------|------|------|------|------|------|------|------|
| Births | 219 | 227 | 226 | 216 | 192 | 209 | 160 | 167 |

Figure 5 – Births in Camberwell Green Ward 2014-21



22. In respect of future projections, the Greater London Authority (GLA) project that, if nothing changes:

- Rolls at Comber Grove Primary will fall by a further 33 pupils in the next 5 years – a 24% reduction on existing numbers by 2028/29
- Reception rolls in the locality - the planning area (PA4) surrounding the

school – fell by around another 140 pupils (a 22% reduction) between 2016/17 and 2023/24 and are projected to fall further by 78 pupils from 2023/24 to 2028/29 (17%)

- *Year R to 6 rolls in PA4 fell by 665 pupils (16%) between 2016/17 and 2023/24, and it is projected that there will be a further 744 fewer pupils overall (21%) from 2023/24 to 2028/29*
- *Births in the Camberwell Green Ward are projected to remain at the same (low) level from 2021 to 2031 – this will eventually feed through to a substantial reduction in reception pupils*

23. If Comber Grove were **not** to close in August 2024, the roll estimates for following year's year group totals would be as shown in the table below, with vacancies increasing to 40% of the roll.

Table 4 Comber Grove Roll 2024-25 projected roll and vacancies

| Year | R | 1 | 2 | 3 | 4 | 5 | 6 | Total |
|-------------|----------|----------|----------|----------|----------|----------|----------|--------------|
| PAN 2024-25 | 30 | 30 | 30 | 30 | 30 | 30 | 45 | 225 |
| Roll | 17 | 16 | 15 | 21 | 26 | 21 | 20 | 135 |
| Vacancies | 13 | 14 | 15 | 9 | 4 | 9 | 25 | 90 |

24. Comber Grove is situated in the school place planning area 4 (PA4), which covers the Camberwell area and has seen a substantial growth in surplus places in Southwark. Presently, there are 121 (4FE) reception places surplus in PA4 - 20% of all available reception places. Overall, Year R to 6 vacancies total 913, around 22% of all available places in schools.
25. All of these factors combined means that pupil numbers at Comber Grove are unlikely recover in the near future, and that the school is likely to fall further into a state of organisational, economic and financial unviability, with consequent effects on standards and quality. As schools are funded primarily on a per pupil basis, falling rolls result in reduced budgets. This in turn impacts on the resources available to support a high quality of education.
26. Based on the information supplied to the local authority as part of the licensed deficit management scheme, the school are predicting a £41k surplus by 2026-27, from the current £159K cumulative deficit at the start of 2024-2025 financial year. This is based on an increase in pupil numbers over a three year period. The evidence does not bear this optimistic prediction out. There are concerns at the local authority with the quality of the budget monitoring at the school, which is now being supported by an experienced school business manager from a high performing Southwark primary school. The school's local authority link adviser is working closely with schools finance to rationalise the school's actual financial position.

27. There are already concerns about education standards at the School. Referencing the Department for Education's 2023 attainment data (*released in December 2023*) for Reading, Writing and Maths, it can be seen that Comber Grove Primary School's pupil outcomes are significantly below 2023 national averages, and therefore significantly below inner London's 2023 averages. 2023 also saw a significant decline against the school's previous year's achievement, that is, 2022. The school's key stage 2 combined attainment of 16% for Reading, Writing and Maths is the lowest in Southwark and in the lowest 10% nationally.
28. From the DfE attainment data above, it can also be seen that there is a significant gap between the attainment of pupils that are disadvantaged and others. This exists for each of Reading, Writing and Maths at both key stage 1 and 2. Also referencing DfE data sources, the school's high absence rate (8.4% 2022-23) and persistent absence rate (in the highest 20% nationally 2022-23) means that to offer a consistently high standard curriculum to all pupils is a challenge. Due to the low and declining pupil numbers, the school is unlikely to receive the resources needed to address this deterioration in educational attainment.
29. The Council assessed the following possible options for the school going forward

Table 5 – Options for Comber Grove

| Option | Appraisal |
|--|--|
| Status quo | Not taking action would be likely to result in the financial position of the school becoming increasingly difficult and education standards declining. |
| Further PAN Reduction to 0.5FE | A school with an overall roll of 105 would not be financially viable – and would lack the resilience larger schools have to cover for staff absence and resource deployment. |
| Forming a hard federation with another school | A hard federation would not substantively address the low rolls the school is presently experiencing – staff cost savings would be minimal |
| Amalgamating with another school, entailing the closure of the school. | No one nearby school could accommodate all the children and in any event the wide geographical spread of pupils across the area means that parents are likely to choose between a range of different schools |
| Entering into an arrangement with a Multi Academy Trust/ | The school is understood to have had discussions with a MAT operating in their local area. A decision for the school to join a MAT would ultimately be for the school, the MAT and the Department for Education's Regional Schools Director. However Southwark would not support this as this would not address the falling rolls issue at the school and in the local area. |

| Option | Appraisal |
|-----------------------|--|
| Closure of the school | This is the preferred option for consultation on the basis that it will prevent a decline in education standards for the pupils currently attending the school, as well as strengthening other local schools by taking out surplus capacity. |

Results of pre-publication consultation

30. All stakeholders in the community were invited to participate through attending consultation meetings in November 2024 as well as providing written or online feedback if preferred. This formed Stage 1 of the statutory process
31. The survey asked whether respondents agreed with the proposals, how the proposals would affect them, and any counter-proposals. Comments were invited by electronic form, email or in person at a public meeting.
32. **173** written responses were received for this consultation, of which 169 responded online. **157** respondents (**91%**) did not support the proposed closure, one (**1%**) was unsure and **15** supported the proposal (**9%**). Of those respondents who provided information about their characteristics, **117 (73%)** were women, and **89** responses (**66%**) came from Global Ethnic Majority (GEM) backgrounds. **24** of the respondents had a disability (**15%**); the largest proportion (**43%**) came from the age range 35-44 (**64** responses). **73** respondents were parents or carers (**50%**), with **41** from local residents (**28%**) and **17** from staff members (**12%**). Given the figures above, it was felt that the respondents to the survey were probably a broadly representative sample of the local community.
33. Additionally, a petition against the school closure was received with **187** signatures on it, as well as **38** letters from pupils at the school. A total of **19** letters were submitted separately via the school concerning consultation arrangements. Additional meetings were held as a consequence of the issues raised, including a meeting with an interpreter for those whose first language was not English.
34. A number of points were also raised at a public meetings held in November and December 2023, as well as February 2024 - these have all been combined with the online and written responses, as well as responses from pupils. A summary of the broad points made is included in the table below, as well as the LA's response to each issue.

Table 6 – Issues raised and alternative proposals

| Issues raised | LA response |
|--|---|
| The place of the school in the community | All of our schools we hope are at the centre of their respective communities, and this closure will strengthen the viability of the remaining schools |
| The work the school does with SEND pupils and the high percentage of the latter | The Council recognises the work the school does with SEND pupils, but SEND pupils would benefit from a greater amount of resources than the school can afford due to low pupil numbers. |
| Anxiety over a proposed closure and allocation of alternative places in the locality/anxiety over a proposed move to another school, including transport | A dedicated officer will be deployed to assist in ensuring all pupils at the school transfer to a school of their choice, and ensure this is within a reasonable travelling distance. |
| Concern over pupils changing curriculum before SATS | Children will be properly integrated into new schools and appropriate support provided to ensure their learning progresses. |
| Concern for future employment | Southwark Schools HR have worked previously with closing schools and will support staff to secure employment elsewhere in the borough wherever possible. |
| Concern that nearby schools do not have sufficient places, or sufficient places of the right type | As mentioned elsewhere in the report, there are over 800 spare places within 0.75 miles of the school, across a variety of settings, including religious and non-religious schools. There are a further 300 vacancies at Lambeth schools in the locality. Schools with a religious basis with pupil vacancies cannot (and indeed do not wish to) turn children away. Once a child has been admitted to one year group, then the sibling rule applies. There are sufficient vacancies across all year groups to be able to absorb the children displaced |
| Cost implications of a move to a new school, including transport and uniforms | A number of parents will be closer to a different school, and indeed, as there are numerous other Southwark schools within walking distance of Comber Grove, we do not expect parents and carers to have to take a bus to a new settings. In previous mergers and closures, assistance has been offered with new uniforms. |
| Concerns regarding transitions for pupils with SEND and regarding children's well-being in | A dedicated Admissions Officer will be provided to manage all transitions in close cooperation with the SEND team. This has |

| Issues raised | LA response |
|---|---|
| moving to another school | worked smoothly with previous mergers and closures. |
| Issues raised around equalities, impact on climate – from EINA report | The closure of a single school is unlikely to have a substantial effect on climate, given the preponderance of other schools in the locality. In terms of equalities, the higher prevalence of SEND and GEM pupils makes it all the more important that children with special needs are educated in a stable and sustainable education environment. |
| Alternative suggestions | |
| Turning the school into a specialist hub or resource base for SEND pupils and training teachers, or adding a resource base to the existing school | One of the options for future use of the school which will be considered in event of it closing is for the building to be used as a facility. The additional pupils and the income generated by having a resource base on site would be unlikely to offset the losses presently being incurred by the school There is not a proven case for a resource base at this location |
| Merger or federation with another school | No schools have come forward or have been identified that could or wish to merge or federate with Comber Grove. Federation would not solve the low numbers at the school |
| Postponement of closure to allow the school to increase numbers | Postponement is unlikely to benefit the school in the short to medium term – outmigration and a fall in births mean that a return to viability is very unlikely |
| Renting areas of the school out for commercial use. | The income generated from this activity is unlikely to be sufficient to bridge the financial gap caused by a considerable fall in rolls |
| Replacement of existing SLT with a new management team | The school has been through previous changes of leadership and we do not believe that further change will improve the school's viability. |
| Introduction of breakfast, after school and holiday clubs to generate income and pupils | Where schools have these in situ, they rarely generate significant income. In any event this would be unlikely to have a a large effect on pupil recruitment. |

35. After consideration of all the above responses and alternative suggestions, as well as the options proposed in paragraph 26 for Comber Grove, the recommendation remains to consult on the closure of Comber Grove from August 31st 2024.

Accommodating displaced children in alternative schools in the event of a closure

36. The LA is confident that all children presently attending Comber Grove School and all applicants to reception for September 2024 can be accommodated in alternative schools within a reasonable distance. In this case, a reasonable distance has been determined to be 0.75 miles.
37. There are currently 818 vacant places across year groups in the 10 Southwark schools which are within 0.75 miles of the school (1,193 if you additionally include the 4 Lambeth schools within the same distance), many times the existing numbers on roll. Presently there are 130 reception places vacant at these Southwark schools – more than 3 times the PAN of the school – 203 including Lambeth vacancies in schools within the same distance.

Policy framework implications and decision-making

38. With regard to the Council's delivery plan, the closure of Comber Grove will address the "Work with schools to keep standards high" work stream. With low pupil numbers, this would be increasingly challenging for the school in the future. The proposed closure also accords with the council's value of "spending money as if it were from our own pocket". The proposed closure will ultimately mean that schools' expenditure will be deployed where most demand is concentrated.
39. Southwark Council's '*Fairer, Greener, Safer Delivery Plan 2022 – 2026*' restates the Council's long term commitment to ensuring our schools are high quality and inclusive.
40. An orderly closure of the school would enable all children to transition to alternative Ofsted "Good" or "Outstanding" schools in the locality, honouring the right to a good education for all pupils presently and potentially attending the school. The reduction in pupil places that would result following the closure would contribute to reduction of surplus places in the local area.
41. By reducing school capacity both locally and borough wide, the Council will help to ensure that schools remain viable, standards are maintained and improved, and that parents and carers still have a choice of good or outstanding schools for their children.

Community impact statement and Equalities (including socio-economic) impact statement

42. The Public Sector Equality Duty, at Section 149 of the Equality Act 2010, requires public bodies to consider the protected characteristics of individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

43. Public bodies should have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The council's "Equality Framework" explains how the council is putting equality at the heart of everything we do.
44. "Protected characteristics" are the grounds upon which discrimination is unlawful.
45. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues to consider in terms of place planning. In terms of age, disability, race, religion or belief, any concrete proposals that emanate from the consultations with stakeholders will naturally be equality impact assessed.

Equalities (including socio-economic) impact statement

46. The Public Sector Equality Duty, Section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day-to-day work - in shaping policy, delivering services and as an employer. Public bodies need to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none when carrying out their activities.
47. The council's "Approach to Equality" commits the council to ensuring equality is an integral part of our daily business. "Protected characteristics" are the grounds upon which discrimination is unlawful
48. These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues to consider in the context of a school closure.
49. An equality impact statement has been completed for this proposal and is attached as Appendix 1. Potential negative impacts in terms of equalities were identified as regards Disability - Special Educational Needs (SEND). If the school closes, then the LA will work with to provide individualized support to children with SEND including reviewing Education, Health and Care Plans and discussing transition arrangements between schools.
50. No other negative impacts in terms of equalities – including socio-economic – were identified in respect of other protected characteristics, and therefore no mitigations were required.

51. The statutory guidance requires the Cabinet to consider the impact of this proposal on local integration and community cohesion objectives when they are taking a decision on the proposals. Given that most children would be expected to remain within the locality it is not felt that there will be any discernible impact on integration and community cohesion.

Climate change implications

52. Following the Council Assembly meeting on the 14th July 2021, the Council has now committed to considering the implications of climate change of any decisions made.
53. This report has not directly considered the impact of climate change in the main body of the report, as the recommendation will have a minimal effect on climate change. As the numbers of pupils in the authority area falls, and the numbers of pupils attending schools reduce, then it is likely that less pupils will be travelling to schools, thereby potentially reducing car use, travel and carbon emissions overall. No direct measures have been taken to reduce or enhance the impact on climate change as part of this work, as no substantive negative effects have been identified.
54. Additionally, as no direct measures have been taken to reduce or enhance the impact on climate change as part of this work, no monitoring will be required. Reducing the number of school places will not directly enhance the environment and green space, nor will it create "green" jobs and businesses, or benefit sustainable energy or reduce waste, albeit that less pupils in a particular school could potentially use less energy and produce less waste.
55. Therefore, there is no expected substantive negative climate change effect arising from this proposal.

Resources implications

56. The Council aims to ensure that demand for primary places is as closely matched to supply as possible. The closure of a school where there is considerable overcapacity supports this process. The level of existing and anticipated vacancies and the compact nature of Southwark's geography mitigate considerably against any risk of there being insufficient places to house pupils affected by the closure.
57. Surplus capacity in primary schools as a result of falling rolls impacts on school budgets and the resources available for education.
58. The freehold of the building belongs to the Council, who would ultimately decide what use the building would be put to, if closure were agreed.

59. Planning constraints presently limit the use of the building for anything other than education or training purposes. Southwark council's intention is for the building to remain in use if feasible as an educational or community amenity, with primary consideration being given to use of the site in support of the council's SEND strategy.
60. This would also reduce the risk of the vacant education site being used for a future free school, at the Secretary of State's discretion.
61. The creation of a new free school would create additional places in Southwark and have the knock on effect of increasing the already significant surplus capacity within the primary school sector.

Risk implications

62. There is a risk of referral to the Office of the School's Adjudicator (OSA) if the local authority does not make a decision within a period of 2 months of the end of the representation period (Stages 3). Where this happens, the local authority must, within a week of the end of that 2 month period, refer the case to the Schools Adjudicator.
63. In addition to the right to make a referral to the School Adjudicator above, the following bodies also has a right to make referral to the School Adjudicator if they object to the determination/decision made by the local authority. Those able to object to this proposal are:
 - *The Diocesan Board of Education of any C of E diocese in the relevant area*
 - *The bishop of any Roman Catholic Church in the relevant area*
 - *The governing body specified in the proposals*
64. If a formal objection to the proposal/decision is made by any of the three bodies outlined in paragraph 60, the entire process could be delayed requiring the school to remain open until the proposal was considered
65. This is considered to be low risk as there is no obvious dis-benefit to any schools in the relevant categories. There is a very small risk that reducing school capacity prior to any future increase in demand could potentially leave the Council vulnerable to legal action for not meeting its target duty to provide sufficient primary school places.
66. The Education Act 1996 places a duty on local authorities to "*secure that there are sufficient primary [...] school places in their area as well as working to [...] increase] opportunities for parental choice*". However, the large level of vacancies and compact nature of Southwark's geography mitigate considerably against this risk.

67. Secretary of State for Education's approval is required for site closures and this could alert them to a vacant site that could be used for a free school. Were a free school to open on the Comber Grove site, all the work in reducing capacity could be negated as a new school of the same or greater capacity could be opened. The council could mitigate any actions being considered by the Secretary of State by proposing that the Council intends to repurpose the buildings for other educational use.

Legal implications

68. The council's general duty in relation to securing sufficient school places in its area, and its functions in relation to making alterations to its existing maintained schools, is described in the body of the report.
69. Where the council is considering a proposal to close a maintained school, the Cabinet Member is reminded that certain proposals will be subject to statutory notification and consultation procedures under Education and Inspections Act 2006, and regulations and guidance issued under that Act.
70. The Cabinet Member is also reminded that the public sector equality duty under section 149 Equality Act 2010, as set out in the Community Impact section of the report, applies to the exercise any of its functions.
71. In line with Equality and Human Rights Commission guidance, an equality and health analysis has been undertaken to indicate the extent of any impact on those with protected characteristics.

Human Resource Implications

72. The Council is the employer of all staff at the school, and will follow formal staff redundancy processes in consultation with trade unions and staff as per the Restructure, Redeployment and Redundancy Policy. This may or may not result in staff redundancies

Health impact statement

73. We understand that making changes, such as having to move school or employment, can have an impact on mental health. We have provided school leaders of all of our schools with access to support resources for their staff and have also provided support to our children and families through our education services.
74. As mentioned above, an equality impact statement has been completed for this proposal and is attached as Appendix 1. No negative impacts in terms of health were identified, and therefore no mitigations were required.

Financial implications

75. The Dedicated Schools Grant (DSG) Schools Block, which is allocated to fund education provision in mainstream state funded schools, is primarily calculated using pupil numbers and pupil characteristics. As it is stated in paragraph 14, the pupil numbers in Comber Grove are expected to fall in the next 5 years.
76. Comber Grove Primary ended the 2022-23 financial year with a cumulative deficit of £20k. As noted in paragraph 24 - based on the information supplied to the LA, the school are predicting a £41k surplus by 2026-27, from the current £159K projected cumulative deficit at the start of 2024-2025 financial year, based on an increase in roll over a three year period that perhaps does not bear this optimistic prediction out. We are working with the school and the education finance team to ascertain what a more realistic projection would be.
77. This is expected to rise significantly due to the falling pupil numbers if the school remains open therefore it is important that decisive and timely action is taken.
78. It is estimated that the closure will also incur costs such as redundancies, site security, and uniforms for children transferring to other schools, archiving/disposal etc. In order to minimise the costs of closure it is important that the school and officers work together to maximize redeployment opportunities to existing staff to alternative, suitable positions.

Consultation

79. When it is proposed to close or amalgamate a maintained school the statutory consultation procedures defined by the DfE are required to be undertaken.
80. This process is outlined in **Appendix 2**, involving a mixture of formal and informal consultation processes that needs to be carried out by the local authority and Governing Body.
81. Initially, this involves ensuring all stakeholders are informed of the proposals and plans to follow a statutory consultation process. Cabinet Member approval is required to initiate the statutory consultation process which runs for six weeks during term time.
82. Consultation have included meetings with parents/carers, staff, trade unions and governors, as well as writing to the local MP, the Southwark Diocesan Board of Education and RC Education Commission, and neighbouring authorities to elicit their views on the proposed closure.
83. All comments obtained through the statutory consultation processes will be considered, the Cabinet Member is now being asked whether to proceed with the closure proposal. At this stage, formal notices would be issued, and the

consultees (as above), as well as the general public would be invited to consider the proposals put forward to close the school.

84. The final decision to close Comber Grove School rests with the Council's Cabinet. If this is agreed, Comber Grove School will close on the 31 August 2024.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive - Governance and Assurance – (JH – 02.02.2024)

85. This report seeks the agreement of the Cabinet member to publish the proposals to close Comber Grove Primary School from 31 August 2024. under Section 15 (1) and (2) of the Education and Inspections Act 2006.
86. A decision to close the school therefore has to be made by the cabinet and in accordance with sections 15 above and schedule 2 of the Education and Inspections Act 2006 , and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.
87. The cabinet must also have regard to the statutory guidance “*Opening and closing maintained schools*” issued by the Department for Education in November 2019 when making a decision to close a maintained school. This guidance provides that a statutory proposal should be published within 12 months of the initial consultation period being completed.
88. The proposal must include the information specified in in Schedule 2 to the Establishment and Discontinuance Regulations (See Appendix 5) and must publish the full proposal on a website with a statement setting out
- *How copies of the proposal may be obtained*
 - *That anybody can object to, comment on, the proposal*
 - *The date of that the representation period ends (4 weeks from publication)*
 - *The address to which objections or comments should be submitted.*

The guidance also provides that a brief notice containing the website address of the full proposal must be published in a local newspaper.

- *In all cases the proposer must also send a copy of the proposal and the information mentioned above to*
- *The Secretary of State*
- *The Diocesan Board of Education of any Church of England diocese in the relevant area*
- *The Bishop of any Roman Catholic diocese any part of which is comprised in the area of the relevant authority*
- *Any other body or person that the proposer thinks is appropriate*
- *Where the proposal is to close a maintained school, the governing body or the local authority responsible for maintaining the school (as appropriate)*

89. In this case the proposal is to close Comber Grove School for the reasons set out in the report and to facilitate an orderly transfer of existing pupils from Comber Grove to other schools. This is one of the options available when seeking to close a school as set out in the DfE statutory guidance “*Opening and Closing Maintained Schools*”. The Cabinet member is empowered to take this executive decision in accordance with part 3D of the constitution.
90. The representation period, Stage 3 as referred to in Appendix 2 will start running from the date of publication of the statutory proposal and must last for 4 weeks. During that period, any person may send objections or comments to these proposals to the council within four weeks of the date of publication of the proposals. Any objections or comments will need to be provided to the cabinet and conscientiously taken into account when making its decision. Cabinet as the decision maker has 2 months from the end of the representation period to make a decision on the proposal. If they fail to do so, the can will be referred to the School Adjudicator for them to make a decision.
91. Where the council is carrying out any consultation, in accordance with the Gunning principles it is important that the material provided to consultees will include sufficient information to enable “intelligent consideration”, that the council will give adequate time for those responses, and ensure that the results of the consultation are properly considered and taken into account before deciding whether to proceed to issue statutory notices.
92. The general duty on the council to ensure a sufficiency of school places has been referred to in the body of the report. The Cabinet Member is reminded that the council, in the exercise of all its functions, must have due regard (section 149 Equality Act 2010) to the need to:
- (a) eliminate discrimination, harassment, victimisation or other prohibited conduct,*
 - (b) to advance equality of opportunity and*
 - (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it*
93. An equality impact analysis has been completed which the cabinet member should take into account when making her decision on this report.

Strategic Director of Finance and Governance REF: [CAS23/44]

94. The Strategic Director of Finance notes the proposal to commence consultation on the proposal to close Comber Grove Primary School from 31st August 2024.
95. Maintained schools receive the majority of their funding via the Dedicated Schools Grant, which is broadly distributed on a per-pupil basis. As a result, falling rolls over a period of time can result in significantly reduced grant income, which can impact the ability of a school to balance its budget whilst maintaining teaching and learning standards at the school.
96. In the case of Comber Grove Primary School, the financial strain due to falling rolls is compounded by its location where there are significant surplus places across the maintained school estate.
97. Schools in financial difficulty contribute to wider financial stresses across all maintained schools and so it is important that the financial position of all schools are reviewed regularly to ensure they are living within their means.
98. Section 22 of the Schools and Standards Framework Act (SSFA) 1998 sets out the Local Authority's responsibilities with respect to the funding of schools and includes a duty to defray all the expenses of maintaining a school. Whilst the responsibility for the financial management of the school rests with the governing body, the ultimate responsibility of maintained schools rests with the Council and it is incumbent upon officers and members to ensure robust governance and controls are in place, both with respect to falling rolls and financial deficits, to limit any further exposure to financial risk arising from schools in deficit.

Other officers

99. No other officers were required to provide a concurrent for this report.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|---|-------------------------------|
| Opening and closing maintained schools - Statutory guidance for proposers and decision-makers January 2023 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/851585/Opening_and_closing_maintained_schools1012.pdf | | |
| Making significant changes ('prescribed alterations') to maintained schools - Statutory guidance for proposers and decision-makers January 2023 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf | | |
| School Admissions Code - Statutory guidance for admission authorities, governing bodies, local authorities, schools' adjudicators and admission appeals panels. DfE 2021 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001050/School_admissions_code_2021.pdf | | |
| Attainment of Comber Grove in Reading, Writing and Maths, DfE, December 2023 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://www.compare-school-performance.service.gov.uk/school/100783/comber-grove-school/primary | | |
| Pupil Places Planning Report 2023, Southwark Council, October 2023 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://moderngov.southwark.gov.uk/documents/s109543/Report%20Annual%20School%20Place%20Planning.pdf | | |
| Keeping Education Strong Strategy - Strategy for future proofing primary schools and protecting the quality of education in Southwark | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://moderngov.southwark.gov.uk/documents/s110486/Appendix%20Place%20planning%20across%20Southwarks%20Primary%20Schools%20A%20strategy%20for%20future-%20proofing%20quali.pdf | | |

| Background Papers | Held At | Contact |
|---|---|-------------------------------|
| Keeping Education Strong Recommendations, Southwark Council, June 2023 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://moderngov.southwark.gov.uk/documents/s114705/Report%20Keeping%20Education%20Strong.pdf | | |
| The Essential Guide to the Public Sector Equality Duty – EHRC July 2014 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://www.equalityhumanrights.com/sites/default/files/psed_essential_guide_-_guidance_for_english_public_bodies.pdf | | |
| Equalities Act 2010 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty | | |
| Integrated Communities Government Action Plan, Mrch 2019 | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778045/Integrated_Communities_Strategy_Govt_Action_Plan.pdf | | |
| Managing Surplus School Places in London (2023) – London Councils | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://www.londoncouncils.gov.uk/our-key-themes/children-and-young-people/education-and-school-places/managing-surplus-school-places | | |
| Southwark's Borough Plan | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan | | |
| Southwark Council Constitution PART 3D: Individual Cabinet Members – Matters reserved for decision | Children and Adult Services, 160 Tooley Street, London, SE1 2QH | Ric Euteneuer 07925 637558 |
| https://moderngov.southwark.gov.uk/documents/s114286/3D%20Individual%20Cabinet%20Members.pdf | | |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | Equality Impact and Needs Assessment |
| Appendix 2 | Decision Flow Chart |
| Appendix 3 | Map of location of Comber Grove Primary School |
| Appendix 4 | Statutory Notice for the closure of Comber Grove Primary |
| Appendix 5 | Statutory Proposal for the closure of Comber Grove Primary |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Lead Officer | David Quirke-Thornton Strategic Director of Children and Adult Services | |
| Report Author | Ric Euteneuer Principal Strategy Officer (<i>School Place Planning</i>) | |
| Version | Final | |
| Dated | 9 February 2023 | |
| Key Decision? | Yes | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Assistant Chief Executive - Governance and Assurance | Yes | Yes |
| Strategic Director of Finance | Yes | Yes |
| Cabinet Member | No | No |
| Date final report sent to Constitutional Team | | 13 March 2024 |