

Item No. 11.	Classification: Open	Date: 6 December 2022	Meeting Name: Cabinet
Report title:		Closure of St Francesca Cabrini Primary School	
Ward(s) or groups affected:		Peckham Rye	
Cabinet Member:		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People, Education and Refugees	

FOREWORD - COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE, EDUCATION AND REFUGEES

Schools are the heart of our communities in Southwark, so it is with great sadness that I ask Cabinet to approve the attached proposal to close St Francesca Cabrini.

St. Francesca Cabrini RC Primary School is a Roman Catholic voluntary aided, one-form entry, co-educational primary school (with nursery provision), located in Honor Oak in the London Borough of Southwark. It was founded by its trustees, The Missionary Sisters of the Sacred Heart of Jesus. The school is situated in the council's school place planning area 3 *Peckham and Nunhead*.

The trustees informed the governing body in December 2021 that they were withdrawing their operations in the UK to focus on their educational work in parts of East Africa. The trustees own the land and buildings and the school is sited within, a unique arrangement in Southwark.

The school has a net capacity of 420 pupils. However, the school's roll has been falling for some time, and has reduced every year since 2016 from around 350 pupils to 86 pupils in September 2022. This is a reduction of close to 75% over six years. For a variety of reasons, including Brexit, welfare reforms, and redevelopment, school rolls have fallen sharply in the locality over the last five years, and vacancies in the planning area stand at around 1,500 (29%) - the equivalent of three and a half, two-form entry primary schools.

The fall in rolls and other factors at the school have led to a steep drop in income, as the school's income is determined by the number of children enrolled. For 2022- 23, there is a shortfall in public funding of around £190K rising to £600+K in 2023- 24. The trustees have agreed to help underwrite the operational costs of the school until September 2023.

Without school's trustees and in the absence of an increasing , the governing body, with agreement from the Archdiocese of Southwark and Southwark Council, has determined that St Francesca RC Primary School is no longer financially sustainable.

There are 16 primary schools within 1.0 miles of St Francesca Cabrini (three are London Borough of Southwark schools, the other 13 are Lewisham schools. Historically, around 10% of pupils attending St Francesca Cabrini have come from Lewisham. Of the 16, two are Roman Catholic schools, one in LBS and one in LBL). In place planning terms, there is sufficient capacity within 1.0 miles of the school to absorb all displaced pupils. LA officers will ensure that every child on the school's roll has an alternative school place for September 2023.

The Governing body carried out a consultation following the statutory procedures on school closures between September and October 2022, no substantive objections were received from the very wide range of stakeholders (Primary schools, Head and Chairs of Governors, surrounding councils, trade unions, and the diocesan boards).

Councillors rightly expressed their concerns, and we met with them to discuss these. They were worried about the closure of the school, precisely because the school has been at the heart of the community for many years. The councillors made suggestions for the council to keep the building for education purposes. This was explored by the education team, although it is not straightforward as the school building doesn't belong to the council.

The Governing body took the decision to proceed with the formal proposal to close St Francesca RC Primary School at an Extraordinary meeting of governors on the 7 July 2022 after consideration of feedback from the statutory consultation.

Statutory notices were posted on September 22nd 2022 and closed on the 20 October 2022. No responses were received by the school, governing body or LA.

Though the school governing body and/or the local authority can propose closure, DfE guidance states that the decision to close must be made by the local authority.

The council's constitution states that the decision maker in this case would be the council's cabinet. The decision need to be taken through normal procedures for cabinet, and has been scheduled for the 6 December 2022 meeting.

The sheer volume of work to roll back an educational establishment is immense. Not least for the emotional turmoil that it has had on all involved. I would like to thank Head Teacher Mrs Maria Lawton-Quin and Anna Strappelli Chair of Governors for all that they are doing to support staff, families and

pupils. The consultation prompted many families to move to alternative schools already. So the school has been managing with a greatly reduced number of pupils. Credit to Maria and her team that the remaining children are receiving a high standard of education until they too are found alternative schools.

St Francesca Cabrini RC Primary School has been an integral part of life for so many local people including many local councillors in Southwark for so many generations and will be missed by us all. The fantastic head teacher, her team and this truly magical building will be sorely missed.

This is a difficult time for all our schools and the council is committed to supporting them to navigate their way through this difficult time until the demand for school places increase again.

The council will do all we can to support everyone at St Francesca Cabrini, the school staff, governors and pupils and their families through the next stages.

RECOMMENDATIONS

1. That the cabinet approve the governing body's recommendation for the closure of St Francesca Cabrini Roman Catholic Primary School from 1 September 2023.
2. That the cabinet consider and note all the Appendices of the report in making their decision to approve the governing body's recommendation for the closure of St Francesca Cabrini Roman Catholic Primary School from 1 September 2023.

BACKGROUND INFORMATION

3. St Francesca Cabrini RC Primary School, is a Roman Catholic voluntary aided, one-form entry, co-educational primary school (with nursery provision), located in Honor Oak in the London Borough of Southwark and was founded by the Missionary Sisters of the Sacred Heart of Jesus who are the Trustees.
4. The Pupil Admission Number (PAN) for each year group is 30 with a nursery class of 26. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Southwark. The school is situated in Forest Hill Road, Honor Oak, London SE23 3LE.
5. In the autumn term 2021, the school's governing body was informed that the Trustees' had made the decision to withdraw its operation from the UK in August 2023, and focus its resource and mission in parts of East Africa where education is not widely accessible.
6. After significant consideration, the governing body of St Francesca Cabrini Roman Catholic Primary School took the view at its meeting of 2 March 2022 that the school could not sustain its provision without the aid

of the Trustees and was no longer financially sustainable. Therefore, a good quality of education could not be guaranteed into the future. Several reasons contributing to this position were stated which include those set out below:

- i. The pupil roll has fallen sharply and consistently over the past five years resulting in reduced (pupil led) funding: falling birth and baptismal rates indicate that the roll is highly unlikely to recover at least until 2031 based on GLA projections.
 - ii. This reduced funding over the past five years has created significant strains on the school's budget forcing the school to spend all its reserves and rely on additional subsidies from the Trustees to manage in year, essential expenditure. From April 2023 – August 31 2023, the school will require and receive further financial support from the Trustees to manage the school's running costs, as DfE funding will be insufficient.
 - iii. The combined circumstances outlined above means that the school will rapidly incur further debt if it remains open, and not be able to balance its budget in year, or reverse the growing debt without significant, additional funding.
 - iv. The school would be hampered in its capacity to deliver the broad and balanced curriculum and good standard of education.
7. In recent years, the school has found it difficult to fill the 30 places it is able to admit each year. As at the 8 September 2022 there were 82 compulsory age pupils on roll and 8.6 Full Time Equivalent non-compulsory age. Five years ago, the school would expect 420 compulsory age pupils to attend. There are no boarding pupils on roll. Of this roll, 2 children have an Education Health Care Plan (EHCP) and a further 19 have support for a special educational need but do not have an EHCP.
 8. School funding is dependent on pupil numbers. Vacant school places create an immediate cost for schools through reduced budgets, which in turn can affect the overall sustainability and quality of education standards at the school. The local authority confirmed at the beginning of this year that the school received another low number of applicants for September 2022.
 9. On 19 April 2022, national offer day, 17 children were offered places and this has now reduced to 7 children taking up a place. This puts additional pressure on the lack of numbers as 34 children left Year 6 in July 2022.
 10. Following its decision, the governing body held informal, information sessions on May 16 and 17 2022, with parents and carers of children at the school, staff and key stakeholders to explain the situation that the school was in and, that a formal process to consult on proposal for closure was to begin. The local authority (LA) and the Trustees with the

Catholic Commission have supported the governing body at each stage of this process.

11. In line with the Department for Education's (DFE) guidance: "*Opening and closing maintained schools, Statutory guidance for proposers and decision-makers, November 2019*", the decision makers for the closure of a state funded school (whether this is a community, foundation or voluntary aided school) is the council. St Francesca Cabrini Roman Catholic Primary School is the Proposer, Southwark Council is the decision-making body. In respect of the Council's constitution, the decision to close is to be taken by the council's Cabinet.
12. The governing body as Proposer followed the statutory process outlined in the guidance above for closing a maintained school prior to the Cabinet being required to make a decision of whether the school should close, There are five stages to this process, which are covered in detail in the next stage of this report.

KEY ISSUES FOR CONSIDERATION

13. The five stages to a school closure consideration outlined in the guidance and mentioned above are set out below:
 - i. Stage 1 - Statutory Consultation with interested parties
 - ii. Stage 2: Publication of proposals
 - iii. Stage 3: Representation from publication
 - iv. Stage 4: Cabinet decision, and finally
 - v. Stage 5: Implementation of proposals, if agreed.
14. The governing body undertook Stage 1 – Statutory Consultation with interested parties details of which are provided below. The School's governing body then met on 7 July 2022 to consider the results and feedback of the consultation.
15. Consequently, the governing body voted unanimously to move to Stage 2 and Stage 3 of the process, to publish formal closure proposals and to invite formal comment on these proposals from stakeholders.
16. These stages of the process ran from the 22 September 2022 to 20 October 2022.
17. These proposals are set out in Appendix 3 of the report and should be considered by the cabinet in making their decision.
18. Stage 4 involved the writing of this report following the governing body's proposal to close, taking into account, any representations that were made during the pre-publication consultation and the publication of the statutory proposals in September.
19. Stage 5 – should the cabinet agree to the closure of the school, would be

the formal process of the school closing on the 1 September 2023.

20. A proposed timeline of the five stages are presented below:

Stage	Dates
Stage 1: Statutory Consultation with interested parties	13 May 2022 to 1 July 2022 (completed)
Stage 2: Publication	8 July 2022 (completed)
Stage 3: Representation	22 September 2022 to 20 October 2022 (completed)
Stage 4: Cabinet decision	6 December 2022
Stage 5: Implementation	1 September 2023

Results of the pre-publication consultation (Stage 1)

21. It is a statutory requirement for the Proposer (in this case the school's governing body) to consult any parties they think appropriate before publishing statutory proposals. Several events to consult all stakeholders on the proposals were undertaken, and have been outlined in Appendix 4.
22. The process included a statutory element of consultation that lasted for 8 weeks (7 of which were during term time) to allow the widest possible opportunity for views/comments to be made by parents, carers, local residents and other stakeholders.
23. The purpose of the consultation was for Governors to seek the views of and engage with those that could potentially be affected by the proposed closure of St Francesca Cabrini Roman Catholic Primary School. It was also an opportunity for interested parties to suggest other options for consideration on the proposed closure of St Francesca Cabrini Roman Catholic Primary School from 1 September 2023.
24. In addition to this, the governing body sought the views of:
 - i. All schools/admission authorities in Southwark, governing bodies and academy trusts (via the Headteacher and the Chair of Governors).
 - ii. Neighbouring Councils (Lambeth, Tower Hamlets, Lewisham, Croydon, Wandsworth, and Westminster).
 - iii. All Southwark Councillors and MPs.
 - iv. The Catholic Diocese and the SDBE.

- v. Appropriate Trade Unions.

25. Consultation was undertaken by:

- i. Placing a note on the school website containing the consultation documents.
- ii. Setting up a website that allowed people to answer the consultation questions.
- iii. Setting up an email address to allow for parents, carers and stakeholders to feed back on the pre-consultation proposals.
- iv. Distribution of a paper form for stakeholders to respond to.
- v. Two consultation meetings for parents, carers, community and stakeholders were held in person at the school.
- vi. Extensive consultation with staff, and their professional associations/trade unions was undertaken.

26. The results of the initial consultation are outlined in paragraphs 19 of this report.

27. At the conclusion of the statutory consultation outlined above, the Governing body reviewed the feedback they received. Whilst the majority of the response that were received were against the proposal, no substantive objections were raised by stakeholders, nor were any viable alternative proposals put forward.

28. The school's, Governors met on the 7 July 2022 and after careful consideration of the feedback and comments received, agreed to publish formal closure notices – stage 2 of the process.

Responses to range of issues raised in the initial consultation

29. The governing body held two public parents meetings at which 38 attended and received 30 responses to its questionnaire, of which the vast majority (29) were against the closure of the school.

30. A number of issues were raised at the meetings and in the questionnaires, such as:

- a) What will happen to school site and impact on the environment?
- b) Where will the LA put the children?
- c) Parents will have to travel further to take children to school
- d) Government should give more money to stop closure, or the school should raise funds through after school activities, lottery, renting the building out
- e) Why can't the school be merged?
- f) Not enough alternative schools in the area
- g) The demographic data is wrong
- h) Council should not grant planning permission for new schools when there are so many vacancies?

31. The responses from the school and LA around these questions were:

a)	<p>Question: What will happen to school site and impact on the environment?</p> <p>Answer: The site will revert to the Trust, who will be responsible for its repurposing or disposal, within planning guidance.</p>
b)	<p>Question: Where will the LA put the children?</p> <p>Answer: There are over 5,500 vacancies in Southwark primary schools at the moment – over 20% of places at primary level are vacant.</p>
c)	<p>Concern: Similar issues are being experienced in Lewisham.</p> <p>Response: We do not anticipate there being an issue with accommodating children affected by the closure of the school.</p>
d)	<p>Concern: Parents will have to travel further to take children to school.</p> <p>Response: There are a number of schools with vacancies within easy travelling distance of the school.</p>
e)	<p>Comment: Government should give more money to stop closure, or the school should raise funds through after school activities, lottery, renting the building out: The allocation of funding to schools falls out with the schools and local authorities' powers to change.</p>

	<p>Response: In terms of fundraising, all of the above suggestions have been considered – the amount of fundraising required – ca £200,000 a year is felt to be too much for the school to raise.</p>
f)	<p>Question: Why can't the school be merged?</p> <p>Response: No Catholic schools in the immediate locality have been identified who are appropriate for a merger with the schools.</p>
g)	<p>Comment: Council should not grant planning permission for new schools when there are so many vacancies.</p> <p>Response: No new schools at primary or secondary level are planned for just this reason. There was a suggestion for a new secondary school on the site, but secondary numbers are sufficient for the number of schools in Southwark and Lewisham.</p>
h)	<p>Comment: Not enough alternative schools in the area.</p> <p>Response: There are 16 schools within one mile of the school, 2 of them Catholic schools.</p>
i)	<p>Comment: The demographic data is wrong.</p> <p>Response: The demographic data derives from figures independently calculated from the LA and school by the Greater London Authority (GLA) and Office of National Statistics (ONS). These all indicate a falling birth rate over the last 3 years and projected into the future.</p>

32. It was also noted that parents had already started to transfer their children even though the Missionary Sisters had given a public undertaking to support the school financially until 31 August 2023.
33. This would ensure adequate resources for all the children to continue at the school until then. Current Year 5 children who will be, as Year 6, sitting their Key Stage 2 SATS next summer, can do so with confidence before they transfer to their new secondary schools from 1 September 2023.
34. The school governing body had previously been looking at the possible options and had entered into discussions both with the Archdiocese of Southwark and Southwark Council, the detail of which was set out in the Pre-Consultation Documentation.
35. The final decision on the closure is Southwark Council's, who will make its decision at the December 2022 cabinet meeting. The governing body do recognise the impact this will have on the pupils, current and future, parents, staff and the community but have always put the child at the

heart of carrying out their roles and responsibilities for over 100 years.

Publication of the notices and representation (Stages 2 and 3) and responses to issues raised in the post publication consultation

36. Governors of the school, proceeded to the next, formal stages of the process from the 22 September 2022 to 20 October 2022. Formal notices (Appendix 2) were published and displayed at the school, placed on the school website and in the local press, inviting comment on the Statutory proposal (Appendix 3) – this completed stage 3 of the statutory process. No responses were received by the school or local authority.

Cabinet decision (Stage 4)

37. Although the consultation on the proposal has been conducted by the governing body, in line with the statutory guidance, the decision maker is the Cabinet of the Council. As such, Cabinet is able to:
- a. Agree the closure proposal as outlined in the report
 - b. Agree the closure proposal with modifications
 - c. Refuse the closure proposal.
38. If cabinet does not take a decision on the school closure within 2 months of the expiry of the formal notice (i.e. by the 20 December 2022), the matter would then be referred to the Office of the Schools Adjudicator (OSA) for final decision. The following bodies have the right to have the decision referred to the Schools Adjudicator, independent of the local authority after the cabinet decision is taken.
- (a) The Bishop of any Roman Catholic Church in the relevant area.
 - (b) The Diocesan Board of Education of any Church of England Diocese in the relevant area.
 - (c) The governing body or any foundation of the foundation or voluntary school specified in the proposals.

Formal closure of the school (Stage 5)

39. If cabinet agrees to the St Francesca Cabrini Roman Catholic Primary School governing body's proposals to close, this will be effective from 1 September 2023.

Actions undertaken for the pupils, parents and carers affected

40. The local authority, as the body responsible for school admissions in Southwark, has had to plan for every eventuality to ensure that all children attending St Francesca Cabrini Roman Catholic Primary School have a school place for autumn term, September 2023.
41. A coordinated admissions process, led by the local authority's school admissions team will be established to ensure that the parent/carer of

each child on the roll of St Francesca Cabrini Roman Catholic Primary School has access to an admissions application and has been able to state a preference of an alternative school, should the school close. An admissions officer will work closely with families and school staff alongside the formal, consultation process that the governing body followed, to ensure that every child is able to receive a provisional offer of an alternative school place for autumn term, September 2023.

Actions undertaken for the teachers and non-teaching staff affected

42. The situation at the start of the process was that the governing body, informed their staff at the earliest possible opportunity that there was a potential that the school would close in September 2023. The trade unions were also involved at this stage.
43. Staff consultation events, led by the school's governing body, are noted in Appendix 4, amongst the other consultation events for stakeholders. A range of options have been put forward to the school to offer staff e.g. secondment and possible redeployment.

Policy framework implications

44. The Borough Plan states "Southwark schools have improved significantly in recently years and we have been meeting previous high demand for school places by refurbishing and expanding popular schools and working with local parents to support new schools. We believe every child has the right to a good education, which is why we have campaigned alongside local parents for fair funding and worked with schools to drive up standards".
45. The proposals could potentially enable all children to transition into alternative schools in the locality extending the right to a good education for all pupils presently and potentially attending the school.
46. The reduction in places that would occur following implementation of the proposals would contribute to reduction of places to limit oversupply. By reducing surplus" school capacity locally and borough wide, the council will help ensure that schools remain viable, standards are maintained and improved, and parents and carers still have a choice of good or outstanding schools to choose for their children.
47. Primary planning strategies are aligned to local planning and policy frameworks, including the Borough Plan and Children and Young People's Plan. These outline the council's commitment to supporting schools to be outstanding, with children and young people able to achieve their full potential, and parents able to exercise real choice in a high-performing schools system.

Community, equalities (including socio-economic) and health impacts

Community impact statement

48. The Public Sector Equality Duty, at section 149 of the Equality Act, requires public bodies to 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 commits the Council to ensuring equality is an integral part of our day-to-day business. "Protected characteristics" are the grounds upon which discrimination is unlawful.
49. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
50. An Equality and Health Impact Assessment has been completed and is attached at Appendix 5. Particularly relevant in the context of this decision are the characteristics of age, disability, race, and religion and belief. Cabinet should take account of this assessment in making its decision.
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 Governor proposals. Given that most children are remaining within the locality it is not felt that there will be any discernible impact on integration and community cohesion.
52. With regard to the Ministry of Housing, Communities & Local Government "Integrated Communities Action Plan" – the guidance issued by the Government lists (under "Education and Young People") a list of actions that schools and local authorities should reference, if needed. None of the 16 issues raised as part of the plan are appropriate to this proposal.

Equalities (including socio-economic) impact statement

53. An Equality and Health Impact Assessment (EQHIA) has been completed for the proposed closure of the school and is attached as Appendix 5.

Health impact statement

54. These have been set out in Appendix 5 of the report.

Climate change implications

55. Following the council assembly meeting on the 14 July 2021, the council has now committed to considering the climate change implications of any decisions made. The council is developing a toolkit for staff on the council's climate change strategy. This provides guidance for staff to consider climate change impacts. Report authors are now required to

detail the implications of their recommendations.

56. This report has not directly considered the impact of climate change in the main body of the report, as the effects on climate change of 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 particular schools reduce, then it is likely that less pupils will be travelling to schools, thereby potentially reducing travel (and carbon emissions) overall, and, where it is utilised, car use. There will be a negligible effect on the other categories outlined - enhancing the environment and green space, green jobs and businesses, sustainable energy and reducing waste, as these are not substantively addressed or required in this report.
57. No direct measures have been taken to reduce or enhance the impact on climate change as part of this project, as no substantive negative effects have been identified. Additionally, as no direct measures have been taken to reduce or enhance the impact on climate change as part of this project, no monitoring will be required.
58. As explained above, the falling numbers of pupils is likely, if anything, to have a net positive effect (albeit small) on climate change, as less pupils attend school and are therefore transported by car or other forms of transport. 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.
59. Therefore, there will be, in our opinion, no substantive negative effects as a result of the recommendations and proposals, and no mitigation required

Resource implications

60. The council aims to ensure that demand for school places is as closely matched to supply as possible. The closure of a school where there is considerable overcapacity supports this process.
61. Section 14 of the Education Act 1996, places a duty on local authorities to "*secure that sufficient schools for providing primary and secondary school education are available for their area*".
62. The authority is required to exercise these functions with a view to increasing opportunities for parental choice. The large 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.
63. The freehold of the building belongs to the Trustees, who would ultimately

decide what use the building will be put to, if closure were agreed.

Legal implications

64. Please see the comments below from the Director of Law and Governance.

Financial implications

65. The Dedicated Schools Grant (DSG) Schools Block, which is awarded to fund education provision, is primarily calculated using pupil numbers and pupil characteristics. Consequently, there is expected to be minimal impact on the amount of the grant as a consequence of the closure. With a similar amount of income spread over a smaller number of schools, there will be a positive impact on the financial position of schools. This will be seen in those schools which accept pupils formerly attending St Francesca Cabrini Roman Catholic Primary School.
66. St Francesca Cabrini Roman Catholic Primary School ended the 2021/22 with a small surplus of £2k. The closure will incur costs such as redundancies, site security, resources removal and storage, uniforms for children transferring to other schools, archiving/disposal as well as well-being support packages for staff during a redundancy process. It is estimated that the overall costs of closure will be in the region of £450K, of which the significant proportion will be redundancy costs. These have been calculated on the age and length of service of different staff groups.
67. The schools pupil numbers have already reduced significantly. The October 2022 census shows currently 82 pupils on roll. This means for the period 1 April 2023 to 31 August 2023, the income the school will receive will be lower by £224K. It is important that expenditure is reduced to match this.
68. If the expenditure stays at its current level this would result in a deficit of a similar size that would need to be met by the Trustees otherwise it would fall on the council.

Human Resource Implications

69. The governing body of St Francesca Cabrini Roman Catholic Primary School is the employer of all staff at the school.
70. It will follow formal staff redundancy processes in consultation with trade unions and staff as per the school's adopted Restructure and Re-organisation HR policy and procedure. This may or may not result in seconding staff, possible redeployment or redundancy.

Consultation

71. Consultation in this proposal has been extensive and has involved all possible stakeholders, and is outlined in paragraphs 26 - 37.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

72. As no services are being procured, this is not applicable.

Director of Law and Governance

73. The cabinet is being asked to approve proposals to close St Francesca Cabrini Roman Catholic Primary School, which is a voluntary aided school maintained by the council. A school closure is an executive decision of the council, which has been reserved in the council's constitution to be made by the cabinet. A decision to close the school therefore has to be made by the cabinet and in accordance with sections 15 and 16 and schedule 2 of the Education and Inspections Act 2006 , and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013. 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.
74. The 2006 Act prescribes that one of the following decisions has to be made in relation to the proposals:
- (a) Reject the proposals
 - (b) Approve the proposals without modification
 - (c) Approve the proposals with such modifications as the cabinet thinks desirable after any relevant consultation.
75. The cabinet is being asked to make this decision following the publication of proposals by the school's governing body for the closure of the school. These proposals have been set out in a statutory notice and follow a period of statutory consultation required to take place prior to the proposals being published.
76. This consultation has to have been with anyone who appeared to the governing body to be appropriate.
77. Recommended consultees are set out in the statutory guidance. Details of this consultation are set out in the report, together with the results.
78. The cabinet should conscientiously take account of the outcomes of the consultation in taking this decision.

79. The proposals were published by the school's governing body on 22 September 2022. 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.
80. The cabinet decision in relation to these proposals has to be made within two months of the close of the representation period of the publication of the statutory proposals, or the decision has to be referred to the Schools Adjudicator to make. If the decision is made to approve the proposals to close the school, the 2006 Act requires these to be implemented by the governing body and the council.
81. The statutory guidance referred to above sets out considerations that should be made by the council when deciding on proposals including:
- (a) The information in the proposals set out in Appendix 3.
 - (b) Being satisfied that the governing body has carried out the statutory process satisfactorily.
 - (c) Giving due regard to all responses received during the representation period.
 - (d) Being satisfied there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils and the likely supply and future demand for places in the medium and long term.
 - (e) The overall quality of alternative places in the area balanced with the need to reduce excessive capacity.
 - (f) The local context in which the proposals are being made, taking account the nature of the area, the age of the children involved and any alternative options for reducing excess surplus capacity.
 - (g) The impact of any proposal on local integration and community cohesion objectives.
 - (h) Will the decision unreasonably extend journey times or increase travel costs or result in too many children being prevented from being able to travel sustainably.
 - (i) The effect on the balance of denominational provision in the area including the pupils currently on roll and the medium and long term need for places.
 - (j) Is the school a focal point for family and community activity providing extended services for a range of users? If so provision should be made for the pupils and their families to access similar services through their new schools or other means.

82. The cabinet needs to apply the public sector equality duty in section 149 Equality Act 2010 in making this decision, which requires it to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under 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. The relevant protected characteristics are referred to in the community impact paragraphs above. An equalities impact analysis has been produced and needs to be considered by the cabinet in making this decision.
83. The cabinet also needs to have regard to the council's statutory duty under section 14 Education Act 1996 to secure that sufficient schools for providing primary and secondary education are available for their area. The schools available for an area shall not be regarded as sufficient for these purposes unless they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. "Appropriate education" means education which offers such variety of instruction and training as may be desirable in view of—(a) the pupils' different ages, abilities and aptitudes, and (b) the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.

Strategic Director of Finance and Governance REF: [CAS182022-23]

84. The strategic director of finance and governance notes the proposal to close St Francesca Cabrini Roman Catholic Primary School. 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. Schools in financial difficulty contribute to wider financial stresses within the maintained schools estate and so it is important that the financial position of all schools are reviewed regularly to ensure they are living within their means.
85. 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.
86. When a maintained school closes, any outstanding deficit falls to the council. Whilst the financial management of maintained schools is delegated to their governing bodies, ultimate responsibility lies with the local authority 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Information about Schools St Francesca Cabrini Primary School	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://www.get-information-schools.service.gov.uk/Establishments/Establishment/Details/100851		
St Francesca Cabrini Primary School – online consultation notices	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: http://www.stfrancescacabrini.co.uk/covid-19		
Department of Education	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.gov.uk/government/organisations/department-for-education		
Children with SEND	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.gov.uk/children-with-special-educational-needs/extra-SEN-help		
Making significant changes (‘prescribed alterations’) to maintained schools - Statutory guidance for proposers and decision-makers October 2018	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: 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. December 2014 –	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252

Background Papers	Held At	Contact
DfE		
Link (please copy and paste into browser): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School Admissions Code 2014 - 19 Dec.pdf		
Integrated Communities Government Action Plan	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778045/Integrated Communities Strategy Govt Action Plan .pdf		
The Essential Guide to the Public Sector Equality Duty – EHRC July 2014	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://www.equalityhumanrights.com/sites/default/files/psed_essential_guide_-_guidance_for_english_public_bodies.pdf		
Item 6.1 – Council Assembly, Refresh of the Council Plan 2018-2022 - Borough Plan	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s92006/Appendix%20A%20Southwarks%20Borough%20Plan%202020.pdf		
Equalities Act 2010	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.legislation.gov.uk/ukpga/2010/15/contents		
Education Act 1996	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.legislation.gov.uk/ukpga/1996/56/contents		
Education and Inspections Act 2006	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.legislation.gov.uk/ukpga/2006/40/contents		

Background Papers	Held At	Contact
Schools and Standards Framework Act 1998	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.legislation.gov.uk/ukpga/1998/31/contents		
Public sector equality duty	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link: https://www.gov.uk/government/publications/public-sector-equality-duty		
Southwark's response 22 August 2022 – Public sector equality duty	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://www.southwark.gov.uk/council-and-democracy/equality-and-diversity/public-sector-equality-duty		
Dedicated schools grant (DSG): 2022 to 2023	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-2022-to-2023		
Education and Skills Funding Agency	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Nina Dohel 020 7525 3252
Link (please copy and paste into browser): https://www.gov.uk/government/organisations/education-and-skills-funding-agency		

APPENDICES

No.	Title
Appendix 1	Map showing the location of St Francesca Cabrini RC Primary School
Appendix 2	Statutory Notice for Closure

No.	Title
Appendix 3	Statutory Proposal
Appendix 4	Consultation activities on closure proposals
Appendix 5	Equality and Health Impact Assessment

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People, Education and Refugees	
Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults' Services	
Report Author	Richard Hunter, Principal Advisor (Education, Learning and Achievement)	
Version	Final	
Dated	24 November 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		24 November 2022