

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 13 June 2023	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Closure of Townsend Primary School	
<b>Ward(s) or groups affected:</b>		North Walworth	
<b>Cabinet Member:</b>		Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Education and Refugees	

## **FOREWORD – COUNCILLOR JASMINE ALI, DEPUTY LEADER AND CABINET MEMBER FOR CHILDREN, 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 Townsend primary school.

This follows a consultation on the school closure on the basis of the significant falling pupil rolls placing irreversible pressure on the school budget.

Pupil falling rolls is a serious issue for primary schools right across London. There are a number of reasons for this. A gradual fall in children entering reception was confirmed in 2018 as a trend. Contributing factors include; fall in birth rate, the uncertainty brought about by Brexit causing some families to leave the UK, and more recently, the global pandemic demonstrating to more families how they can work in London while living further afield.

As lead member for education I wrote to one of the many recent education secretaries on behalf of London Labour authorities to ask for financial support. Support for our schools to whether this demographic storm. We also asked that smaller classes be welcomed to assist pupils to catchup on missed education of pupils as a result of the Covid-19 Pandemic. The council is pleased to have now secured cross party support from London Councils to call on Government for financial support for our schools. However this support has yet to materialise.

In December 2022 I brought the Keeping Education Strong Strategy to Cabinet precisely to bring key departments of the council and schools together to look at a way of mitigating the negative impacts of the falling rolls on Southwark schools. The fundamental principle of the strategy is to keep our schools open where possible.

Prior to the publishing of the strategy in 2022 a consultation was held to close Townsend but we stopped the process in order to look strategically at what could be done to save the school. At the behest of local parents, councilors and school staff, we set about looking at ways that we could keep the school open. This school so loved by children, parents and councilors alike may have found a partner school with which to amalgamate. It was hoped by halting the proposed

closure, that Townsend school would find a neighbouring school with which to amalgamate.

It is with great sadness closure that I report that this did not happen and by the start of 2023 it became clear that the school could not manage financially.

The education team is working closely with the teaching staff and parents to make sure that all remaining 80 pupils are supported into an alternative school place at nearby good or outstanding schools. The sheer volume of work to roll back an educational establishment has been immense. Not least for the emotional turmoil that it has had on all involved. I would like to thank Head Teacher Anne Stonell, Deputy Head Teacher, Karen Collins, Southwark Education Director, Nina Dohel and the Townsend Chair of Governors and local ward councilors for all that they have done to support staff, families and pupils.

They have worked tirelessly in making sure that the school staff, pupils and their families were held and supported through this - incredibly sad closure. Townsend has been an integral part of life for so many local people including many councilors for so many generations and will missed by us all.

We will ensure that the building is re-purposed for education and skills so that when this trend changes and we see the birth rate pick up again we will be in a position to repurpose the school building back to a primary school.

In the meantime we will continue to apply a strategic approach to this issue and put pressure on government to support our schools through this crisis.

## **RECOMMENDATION**

1. That the Cabinet agree to the proposal for the closure of Townsend Primary School from the 31 August 2023.

## **BACKGROUND INFORMATION**

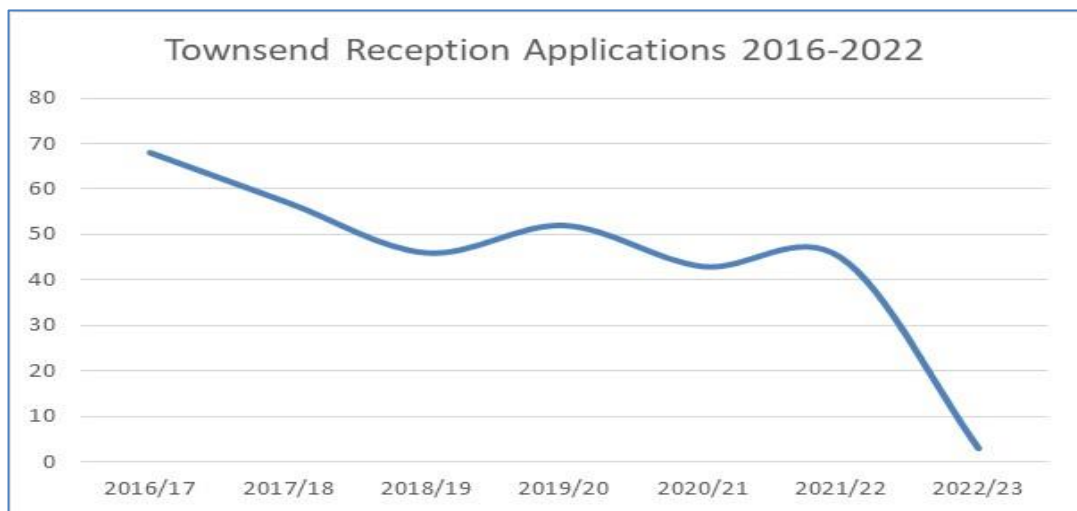
2. Falling numbers of pupils is a serious issue for many primary schools right across the capital. London Councils (2023) has confirmed that *'London local authorities and schools are currently dealing with a significant and sustained period of reduction in demand for reception places, which has implications for school budgets and standards. The fall in demand reflects the decline in the birth rate since 2012 and changes in migration patterns'*.
3. In Southwark this trend has previously been considered by cabinet in relation to the Pupil Place Planning Report 2022 (October 2022). In December 2022, cabinet agreed a Strategy to address this issue: *'Keeping Education Strong: Strategy for future proofing primary schools and protecting the quality of education in Southwark'*.

4. Townsend Primary School is a one form of entry (1FE) primary school, on Larcom Street, London SE17 1NQ – a map showing its location and neighbouring schools in the locality attached as Appendix 1. Since 2017, the school has found it difficult to fill the 30 places it is able to admit each year. This low level of admissions has had a considerable financial impact on the school over the years, which has led to a substantial and growing in year financial deficit.
5. As at the January 2023 Schools' Census, there are presently 778 (22%) primary reception vacancies in Southwark. This is having a severe impact on school finances as school funding is based on the number of children on roll - while rolls are falling, schools have to continue to pay for maintenance of buildings and staffing structures for more places than there are pupils. It is a principle of the council to protect Southwark's high quality of education and this may be compromised where the cost of teaching staff, equipment and enrichment activities become unaffordable.
6. As regards the applicants the school has received since 2016, there has been a considerable drop in expressed preferences overall. This, along with 21% drop in births in planning area 1 (Borough, Bankside and Walworth), make it unlikely that pupil numbers will recover at Townsend. Table 1 below shows the falling number of applications that Townsend has received each year since 2016.

*Table 1: Applicants by preference and total, 2016-2022 - Preferences 1 to 6*

<b>Year</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>Total</b>	<b>PAN</b>	<b>Preferences 1-3</b>
2022/23	2	1	0	0	0	0	3	30	3
2021/22	11	7	11	5	8	3	45	30	29
2020/21	12	9	11	5	3	3	43	30	32
2019/20	17	13	4	9	3	6	52	30	34
2018/19	19	8	8	4	4	3	46	30	35
2017/18	19	10	11	7	6	4	57	30	40
2016/17	21	13	11	13	6	4	68	30	45

*("PAN" in the table above means the pupil admission number. In the table, it is a reference to the number of pupils that a school can accept into its Reception intake each year. Column 1 shows the number of first preference school applications received, column 2 the number of second*

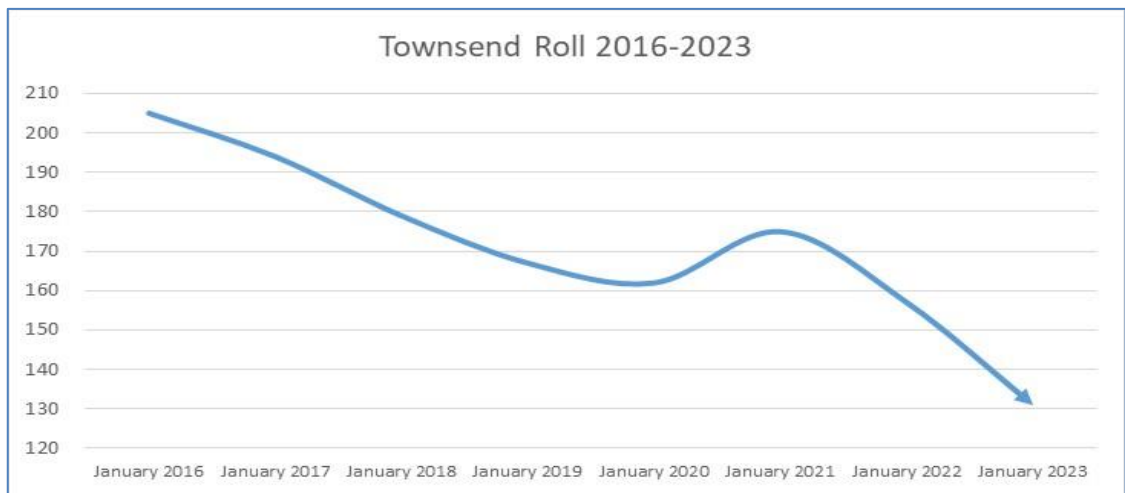


*preferences etc.).*

7. Pupil Numbers at Townsend Primary School have fallen since January 2016 by 74 pupils overall (36%).

*Table 2: Pupils by year group 2016-2023 (at Census time)*

<b>Year</b>	<b>R</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>Total</b>
2022/23	11	17	20	16	20	25	22	131
2021/22	17	20	23	20	27	25	25	157
2020/21	20	26	24	25	27	24	29	175
2019/20	22	21	20	24	23	27	25	162
2018/19	21	20	24	26	28	23	25	167
2017/18	21	24	28	27	24	25	30	179
2016/17	27	30	27	26	29	30	25	194
2015/16	30	29	29	30	30	27	30	205



8. It has become increasingly clear that the school is no longer sustainable financially or organisationally, and that, after evaluation of a number of options, closure of the school should be considered.
9. Amongst the considerations for proposing closure are:
- *The pupil roll has fallen over the past five years resulting in reduced (pupil led) funding. This reduced funding has created significant deficit (£596,000), and it is thought to be unlikely that the school will be able to reverse this trend and prevent this deficit growing over future years if it remains open.*
  - *This funding position would have a detrimental impact on staffing and resources, which would limit the school's ability to continue to provide the high quality of education that the children in the school community need and deserve.*
  - *The school would be hampered in its capacity to deliver the broad and balanced curriculum that it would be reasonable to expect of a primary school*
  - *Southwark has capacity in neighbouring schools to meet the needs of all pupils transitioning from Townsend to other schools.*

10. In considering the closure of a school, Southwark is required to follow the Department for Education's (DFE) guidance: "*Opening and closing maintained schools, Statutory guidance for proposers and decision-makers* (January 2023). This sets out a five stage process as outlined below.
11. Southwark Council held a series of informal, information sessions during Autumn term 2022 with parents of children at the school, staff and key stakeholders to explain the situation that the school was in and to explain that a formal process to consult on proposal for closure was being considered.
12. 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. In respect of the council's constitution, and as a community school, Southwark council is the Proposer, and Southwark's cabinet is the decision-making body.
13. The council as Proposer has 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 from paragraphs 14 to 17 of this report.

## **KEY ISSUES FOR CONSIDERATION**

### **The procedure for the consideration of a school closure**

14. The five stages to a school closure consideration outlined in the guidance and mentioned in paragraph 10 are set out below:
  - *Stage 1: Statutory Consultation with interested parties (complete)*
  - *Stage 2: Publication of proposals (complete)*
  - *Stage 3: Representation from publication (complete)*
  - *Stage 4: Cabinet decision (this stage)*
  - *Stage 5: Implementation of proposals, if agreed.*
15. The council undertook Stage 1 – Statutory Consultation with interested parties, details of which are provided in paragraphs 18 to 23 in January and February 2023. The Lead Member considered the results of the consultation in March 2023, and, as a result, decided to move to Stage 2 (publication) and Stage 3 (representation) of the process, to publish formal closure proposals and to invite formal comment on these proposals from stakeholders.
16. The publication and representation (Stages 2 and 3) of the process ran from the 17 April 2023 to 15 May 2023, and elicited two responses – one from the school Governing Body and one from the Liberal Democrat Group of the Council; no other representations were received. The responses are attached as Appendix Five. Both representations expressed regret at the proposals, as well as the factors that drove the decision to propose closure, but did not raise substantive objections or recommended any alternative

proposals to reduce excess capacity in the area. The Liberal Democrat response requests the Council to “*continue to consult widely with experts on the best way to manage falling school rolls, to join forces with other London boroughs to lobby the Conservative government to ensure that our capital remains an attractive place for families and to be open to genuine scrutiny of decision-making by Southwark Council’s cabinet members*”. These actions are already underway and officers and members are working with London Councils and other LAs to ascertain the most effective solutions to falling rolls London wide, and lobbying central government for more resources.

17. Stage 4 involves the writing and submission of this report following the Lead Member’s agreement to publish closure notices, taking into account, any representations that were made during the pre-publication consultation and the publication of the statutory proposals in April. Stage 5 – should the cabinet agree to the closure of the school - would be the formal process of the school closing on the 31 August 2023. The timetable outlined above is given in tabular format below

<b>Stage</b>	<b>Dates</b>
Stage 1: Statutory Consultation with interested parties	5 January 2023 to 25th February 2023 <i>(complete)</i>
Stage 2: Publication	17 April 2023 <i>(complete)</i>
Stage 3: Representation	17 April 2023 to 15 May 2023 <i>(complete)</i>
Stage 4: Cabinet decision	13 June 2021 <i>(this meeting)</i>
Stage 5: Implementation	31 August 2023

### **Results of the pre-publication consultation (Stage 1)**

18. It is a statutory requirement for the proposer (in this case the council) to consult any parties they think appropriate before publishing statutory proposals. Numerous events to consult all stakeholders on the proposals were undertaken, including meetings with parents and carers
19. The process included a statutory element of consultation that lasted for 8 weeks (6 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. The purpose of the consultation was for the council to seek the views of and engage with those that could potentially be affected by the proposed closure of Townsend Primary School.
20. It was also an opportunity for interested parties to suggest other options for consideration on the proposed closure of Townsend Primary School in August 2023. In addition to this, the council sought the views of:
- *All schools/admission authorities in Southwark, governing bodies and academy trusts (via the Headteacher and the Chair of Governors).*
  - *Neighbouring councils (Lambeth, Tower Hamlets, Lewisham, Croydon, Wandsworth, and Westminster)*
  - *All Southwark councillors and MPs*
  - *The Southwark Diocesan Board of Education (SDBE) and the Catholic Diocese*

- *Appropriate trade Unions*

21. Consultation was undertaken by:

- *Placing a note on the school website containing the consultation documents.*
- *Setting up an email address to allow for parents, carers and stakeholders to feed back on the pre-consultation proposals.*
- *Distribution of a paper form for stakeholders to respond to.*
- *An email to all of the five, additional stakeholder groups listed above was sent by the LA*
- *Six consultation meetings for parents, carers, community and stakeholders were held in February and March 2023*
- *Extensive consultation with staff, and their professional associations/trade unions was undertaken.*

22. At the conclusion of the statutory consultation from April to May 2023 outlined above, no substantive objections had been raised by stakeholders, nor were any viable alternative proposals put forward.

23. No representations were received from neighbouring councils, the SDBE or the Catholic Diocese. The trade unions had a number of operational queries, and liaised extensively with the school's Human Resources (HR) advisors. No trade unions formally objected to the school closure.

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

24. After careful consideration of the feedback and comments received, the Lead Member agreed to publish formal closure notices – stage 2 of the process.

25. Southwark council proceeded to the next, formal stages of the process from the 17th April 2023 to the 15th of May 2023. 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.

26. As at the 15<sup>th</sup> May 2023, **no** representations, objections or observations were received at Stage 3 by the local authority or the school.

#### **Cabinet decision (Stage 4)**

27. In line with the statutory guidance, the decision maker is the cabinet of the council. As such, cabinet is able to:

- *Agree the closure proposal as outlined in the report*
- *Agree the closure proposal with modifications*
- *Refuse the closure proposal.*

28. 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 15<sup>th</sup> July 2023), 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.
- *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 or any foundation of the foundation or voluntary school specified in the proposals.*
29. As Townsend Primary School is a community school, no right in law exists for them to refer the proposal to the OSA independently.

### **Formal closure of the school (Stage 5)**

30. If cabinet agrees to the proposals to close, this will be effective from 31<sup>st</sup> August 2023.

### **Actions undertaken for the pupils, parents and carers affected**

31. 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 Townsend Primary School have a school place for September 2023. The 22 children in Y6 would be proceeding to secondary school in any case. This left 109 pupils in years R to 5 to be accommodated in other schools. Some have already found alternative schools themselves, but a great deal of support has been offered to parents, carers and pupils to manage the transition – should it be decided that the school should close – from Townsend Primary School to other schools.
32. This has included a dedicated admissions officer who has worked with parents on a one to one basis to locate places at alternative schools within a reasonable distance of the school or where they are located. Similarly, children with transport or special educational needs have been fully supported to make this transition. Every child has received an offer of an alternative school place for September 2023.
33. Education staff, including admissions attended Townsend parents' meetings at the school on the 9th January 2023 at 9am; 3pm and 6pm, and parents were invited to attend the meeting that suited them. Parents were informed that the council would be providing them with a timetable, and an application form and explanatory letter which would include contact details. The application form gave parents an opportunity to express a preference for two local schools. Parents were also provided with a list of local schools showing availability and set times/dates they could visit individual schools. Follow up meetings took place on the 22nd February 2023, 27<sup>th</sup> February 2023 and 29<sup>th</sup> February 2023 to discuss the documents and to go over the process. All Townsend families returned their completed forms back on time. Planned inductions will take place throughout June 2023 and



arrangements will be made for year five Townsend pupils to start their new school before the end of the school year.

34. It should be noted that, there are nine Southwark schools within 0.6 miles of Townsend Primary School - all within a reasonable walking distance. At the beginning of the year (2022/23), these 9 schools had around 650 vacant school places across Reception to Year 6, 440 of which in 6 of these schools are non-denominational

### **Actions undertaken for the teachers and non-teaching staff affected**

35. The situation at the start of the process was that the council 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. A number of staff consultation events, led by Southwark Council were amongst the numerous consultation events for stakeholders.

### **Policy framework implications**

36. With regard to the Council's council delivery plan, the closure of the school will address the "*Work with schools to keep standards high*", workstream, as 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*", as the proposed closure will ultimately mean that schools' expenditure will be deployed on where most demand is concentrated.

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

#### **Community impact statement**

37. The Public Sector Equality Duty, at 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 in relation to their own employees.
38. Public bodies need 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 "Approach to Equality" 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.
39. 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.
40. An Equality Impact and Needs Assessment (EINA) has been completed and is attached at Appendix 4. 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 Southwark council 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.

41. 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**

42. An EINA (Equalities Impact Needs Assessment) has been completed for the report and is attached as Appendix 4. No actions resulted from the needs analysis, as no disproportionate equalities impacts were found

### **Health impact statement**

43. The EINA outlined in paragraph 42 included health impacts as well as equalities’ impacts and found no health impacts resulting from the proposal.

### **Climate change implications**

44. Following the Council Assembly meeting on the 14th 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. Cabinet report authors are now required to detail the implications of their recommendations. 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.
45. 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.
46. 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, so these are not substantively addressed in this report.
47. 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. 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. 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.

48. Whilst reducing the number of school places will not directly enhance the environment and green space, or create "green" jobs and businesses, less schools operating could potentially benefit sustainable energy or reduce energy and waste from consumables
49. Therefore, there will be, in our opinion, no substantive negative effects as a result of the recommendations and proposals.

### **Resource and risk implications**

50. 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.
51. 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*". The authority is required to exercise these functions with a view to increasing opportunities for parental choice.
52. 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.
53. 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. Planning constraints presently limit the use of the building for anything other than education or training purposes. Southwark council's clear preference would certainly be for the building to remain in use as an educational or community facility.

### **Legal Implications**

54. Please see the comments below from the Assistant Chief Executive (*Governance and Assurance*)

### **Financial Implications**

55. 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.
56. 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 Townsend Primary School.
57. Townsend Primary School ended the 2022/23 financial year in a deficit position of £596k. This has been forecast to rise significantly in the event of school remaining open. The closure will also incur costs such as redundancies, site security, uniforms for children transferring to other schools, archiving/disposal etc. and is estimated at around £470k. . 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.

### **Human Resource Implications**

58. The council are the ultimate employer of all staff at the school, and 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 staff redundancies.

### **Consultation**

59. Consultation in this proposal has been extensive and has involved all possible stakeholders, and is outlined in paragraphs 14 to 23.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Head of Procurement**

60. There were no procurement matters for consideration in this report.

#### **Assistant Chief Executive – Governance and Assurance**

61. The cabinet is being asked to approve proposals to close Townsend Primary School, which is a Community Primary 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.
62. 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.*
63. The cabinet is being asked to make this decision following the publication of proposals by the council 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.
64. This consultation has to have been with anyone who appeared to the council to be appropriate. Recommended consultees are set out in the statutory guidance. Details of this consultation are set out in the report, together with

the results. The cabinet should conscientiously take account of the outcomes of the consultation in taking this decision.

65. The proposals were published by the council on 17 April 2023. 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.
66. 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 council.
67. The statutory guidance referred to above sets out considerations that should be made by the council when deciding on proposals including:
  - *The information in the proposals set out in Appendix 3*
  - *Being satisfied that the council has carried out the statutory process satisfactorily*
  - *Giving due regard to all responses received during the representation period*
  - *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*
  - *The overall quality of alternative places in the area balanced with the need to reduce excessive capacity*
  - *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*
  - *The impact of any proposal on local integration and community cohesion objectives*
  - *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*
  - *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*
  - *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.*
68. The cabinet also 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.

69. 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.
70. 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 REF: [CAS23/18]**

71. The Strategic Director of Finance and Governance notes the proposal to close Townsend 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. In the case of Townsend Primary School the financial strain due to falling rolls impacts on its ability to attract pupils and to make required improvements. 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.
72. 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.
73. 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
Making significant changes ('prescribed alterations') to maintained schools - Statutory guidance for proposers and decision-makers October 2018	Education Directorate Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 07925 637558
<b>Link: (please copy and paste into browser):</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf</a>		
School Admissions Code - Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels. December 2014 – DfE	Education Directorate Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 07925 637558
<b>Link: (please copy and paste into browser):</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School Admissions Code 2014 - 19 Dec.pdf</a>		
Integrated Communities Government Action Plan	Education Directorate Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 07925 637558
<b>Link: (please copy and paste into browser):</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778045/Integrated_Communities_Strategy_Govt_Action_Plan.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778045/Integrated Communities Strategy Govt Action Plan.pdf</a>		
The Essential Guide to the Public Sector Equality Duty – EHRC July 2014	Education Directorate Children and Adult Services, 160 Tooley Street, London, SE1 2QH	Ric Euteneuer 07925 637558
<b>Link: (please copy and paste into browser):</b> <a href="https://www.equalityhumanrights.com/sites/default/files/psed_essential_guide_-_guidance_for_english_public_bodies.pdf">https://www.equalityhumanrights.com/sites/default/files/psed_essential_guide_-_guidance_for_english_public_bodies.pdf</a>		

## APPENDICES

Number	Title
Appendix 1	Map showing the location of Townsend Primary School
Appendix 2	Statutory Notice for Closure
Appendix 3	Statutory Proposal
Appendix 4	Equality Impact and Needs Assessment (EINA)
Appendix 5	Representations received from Consultation

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Education and Refugees	
<b>Lead Officer</b>	David Quirke-Thornton, Strategic Director of Children and Adult Services	
<b>Report Author</b>	Nina Dohel, Director of Education	
<b>Version</b>	Final	
<b>Dated</b>	1 June 2023	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
List other officers here	N/a	N/a
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		2 June 2023