

Meeting Name:	Cabinet
Date:	22 July 2024
Report title:	Report of the Education and Local Economy Scrutiny Commission: Review of School Amalgamations and Closures.
Lead Member:	Councillor Chloe Tomlinson, Chair, Education and Local Economy Scrutiny Commission.
Ward(s) or groups affected:	All
Classification:	Open
Reason for lateness (if applicable):	NA

RECOMMENDATIONS

1. That cabinet note the recommendations from the education and local economy scrutiny commission arising from the scrutiny review of school amalgamation and closures in the London Borough of Southwark, paragraphs 13 to 27.
2. That the cabinet considers the recommendations from the education and local economy scrutiny commission and request that the relevant cabinet member reports back to cabinet within eight weeks.

BACKGROUND INFORMATION

3. At its meeting on 19 July 2023 the education and local economy scrutiny commission received a presentation from the District & Branch Joint Secretary of National Education Union (NEU) Southwark and NEU representative on equalities data, disproportionate impact on Global Ethnic Majority (GEM) previously known as Black Asian Minority Ethnic (BAME) school staff, retention and recruitment and school staff workforce diversity.
4. At its meeting on 19 October 2023 the commission heard from Head teachers and Chair of Governors of St Mary Magdalene C of E Primary School (SMMS) on demographics, avoiding closure or amalgamation, council's role and communication and improving council strategy.
5. At the same meeting the commission received a report from representatives of the National Association of Headteachers (NAHT) on the restructure of Kintore Way (KW) Nursey School, covering financial challenges, mitigation strategies, impact on educational programs and services, collaboration plans with other educational institutions and prioritising interests of students and the community.

6. At its meeting on 5 December 2023 the commission received a verbal update from Cabinet Member for Children, Education & Refugees and Director, Children & Families, Children's and Adults' Services on SMMS, covering advertisement of nursery and consultation processes; and on KW school covering Special Educational Needs and Disabilities (SEND), resource based provisions, redundancies, additional Department for Education (DfE) funding and balancing budgets.
7. Furthermore, at the same meeting the commission received a report from the Assistant Director for SEND, Children and Adult Services and Service Development Manager, Children's and Adults' Services on Education and Healthcare Plan (EHCP) and Special Educational Needs and Disabilities Inclusion Funding (SENDIF) demand, process, timeliness and programme improvements.
8. At its meeting on 30 January 2024 the commission received a report from Director of Children & Families, Children's and Adults' Services and Head of Schools Human Resources on impact of school closures and amalgamations detailing Human Resources (HR) data. This data covered GEM, gender, sexual orientation, disability, Senior Leadership Team (SLT), school support staff, governors, GEM school staff disciplinary and flexible working.
9. At the same meeting the commission received a written update from the Executive Headteacher at KW nursery school on redundancies, impact of children with SEND, early years' strategy for SEND provisions and budget deficit recovery plan.
10. At its meeting on 22 February 2024 the commission received a report from the Executive Headteacher, Bird in Bush (BiB) school and Principal Advisor for schools at Southwark Council on the learnings and good practices from the amalgamation of Coburg and Camelot schools to form the BiB school.
11. At the same meeting the commission also interviewed the Cabinet Member for Children, Education & Refugees; and received reports and verbal updates from Schools Finance Consultant, Strategic Manager Education and Asst. Director for SEND on schools funding including nurseries, overview of maintained nurseries by demand in wards and the SEND strategy including under 5 provisions.
12. The commission considered and agreed the set of recommendations at its meeting on 14 March 2024. The rationale and commission recommendations are set out in paragraphs 13 to 27.

KEY ISSUES FOR CONSIDERATION

Set out below are the recommendations of the education and local economy scrutiny commission

13. The NEU stated to the commission in an address, that there is a trend from previous years of disproportionate impact on GEM school staff in matters of redundancies especially in cases of disciplinary and grievances. The NEU provided data which corroborated a trend, based on cases they have supported from 2018-2020, which indicated 45% of cases in Southwark NEU Branch were members from GEM groups and 5 out of 6 settlement agreements were for members from GEM group (83%).
14. Following this, officer reports on ethnic background data of school support staff impacted by school closures and amalgamations, indicate redundancy percentages in categories such as Black British (3%), Any other ethnic group (21%), Black African (3%) and Black Caribbean (21%) are slightly higher when compared to White Irish (9%), Any other White Background (3%) and White British (35 %). It is important to note here 65% of all staff affected by closures or amalgamations are school support staff and also that DfE categorises all non-white staff as GEM, as per officer understanding.

Recommendation 1 - That the cabinet in accordance with the council's commitment to tackle racial inequality and the 'Southwark Stands Together' initiative, recognises the importance of Global Ethnic Majority representation throughout the school workforce, and investigate disparities relating to HR processes especially in redundancies and retention.

And also that the Cabinet develop a long term plan to address disparities in redundancies by monitoring diversity and identifying trends over time, with actions beginning within the first quarter of the new municipal year 2024-2025 as below

- Equality Impact Assessments (EIA) are used to monitor over time, identifying trends in redundancy percentages of staff with protected characteristics across the school workforce.
 - Acknowledge and value the contributions of school support staff who are Global Majority and are in higher proportions in the school workforce and are deeply embedded in school communities
 - Work with schools, academies and local trade unions, to raise awareness of and tackle disparities in redundancies
 - Monitor retention of Global Majority staff across the school workforce, identifying any emerging trends and also respond to concerns.
15. The commission recognises the council's limitations in influencing HR processes in schools with regards to disciplinary, also noting that informal disciplinary are managed by schools internally. In addresses to the commission and presentation by NEU it was stated that 45% of

disciplinary cases (2018-2020) in Southwark NEU Branch were members from GEM. The commission also understands from officer reports of disciplinary data that 4 out of the 5 cases (80%) employees are from either any other Black background or Black Caribbean; 19.4% of all staff in LA maintained schools are from a Black background. Overall this means that a black member of staff is sixteen times more likely to be put through a disciplinary than a white member of staff. The commission also notes that the HR Schools team in the council is diverse and efforts are being made to ensure governance bodies are diverse during disciplinary cases. However, the commission feels that more can be done to address the above mentioned concerns.

Recommendation 2 - That the Cabinet to put together a long term plan to address disparities in disciplinary, with actions beginning within the first quarter of the new municipal year 2024-2025 as below

- Ensure the diversity of governance panels and governance boards involved in disciplinary cases including informal cases, with equal and fair representation of the demographic of school staff including pupils and school support staff
 - Work with schools and academies, as well as local trade unions, to raise awareness of and tackle disparities in disciplinary
16. The commission understands that Southwark's current hiring policy in schools is non-discriminatory and non-prejudicial; and also that lower number of GEM applicants could be a factor in fewer GEM staff being hired. However, the commission also notes from the NEU and officer reports that GEM staff within the ethnicity data on school staffing and Senior Leadership roles still remains low as compared to white members of staff. This indicates the hiring policy could do more to promote diversity through affirmative action. Currently schools have Continuous Professional Development (CPD) programs for Teaching Assistants (TA) and SEND training through SEND co-ordinators (SENCo). Organisations such as Southwark Teaching School Alliance have training programmes for black leaders in education. The Council as a part of its initiative to tackle racial inequality should setup more pathways for GEM applicants in areas of recruitment, training and career progression.

Recommendation 3 - That the Cabinet in accordance with the council's commitment to tackle racial inequality and the 'Southwark Stands Together' initiative, review the hiring policy in schools in an effort to increase and encourage the recruitment, training and career progression of Global Ethnic Majority (GEM) members of staff; in all levels of school staff; support staff; teaching staff, teaching assistants, Headteachers, Senior Leadership Teams and managers; within the 2024-2025 municipal year.

17. As evidenced in the discussions with SMMS and KW nursery school, there are several gaps in communication between the Council and the

affected schools. There is a distinct lack of regular updates, effective communications and meetings with Headteachers, governors and parents. In addresses from KW nursey school the commission learnt that there has been a lack of communication from the council from May 2023 until the third week of October 2023.

18. In addresses to the commission from SMMS, there was a lack of communication from the council with regards to the restructure and plans to decrease the budget deficit which could have been mitigated by measures such as nursery initiatives and resource based provisions. The commission also noted that SMMS have relatively low budget deficit of £27k. As a result of the discussions at this commission and support from senior officers, the Cabinet Member for Education and the Diocese, the nursery for SMMS was advertised with a start date of January 2024.
19. The commission also gathers from reports, as evidenced in successful amalgamations such as BiB school that communication from the school played a pivotal role in reassuring and informing the parents and community of the advantages of an amalgamation. The commission feels that the council needs to urgently address the failures in the council's communication with schools, as evidenced by examples from other schools by reviewing its communication process and also start early, regular dialogues and meetings with schools and stakeholders. Early and regular communication would have allowed schools/nurseries to work with the council to find solutions to the problems they were facing. For example in Kintore Way's case they could have expedited and put in place a budget deficit recovery plan sooner and also looked into resource based provisions. In the case of St Mary Magdalene the council could have explored the opening of a nursery class and as well as further amalgamation possibilities when it became apparent the original suggestion in the KES strategy were not appropriate..

Recommendation 4 - That the Cabinet immediately review its communication process with schools at risk of closures and amalgamations to ensure,

- Tracking of pupil numbers and the evolution within the KES strategy, with regards to schools at risk of closure/amalgamations is clearly visible to schools on an ongoing basis. That the KES strategy evolves and can respond to the reality in the ground in schools.
- Early review and mitigation measures for budgetary deficit such as nursery initiatives and resource based provisions, with a commitment to proactively working with nurseries to prevent closures.
- Clear channels of communication with schools on budget deficits as per the Keeping Education Strong strategy and also that schools receive timely responses from the council on any issues, and that the council engages and works with schools and parents when

concerns are raised, to find the best possible solutions.

20. The commission in its findings on KW nursery school learnt about the detrimental impact the changes at Kintore Way nursery would have on the wider community and especially SEND children in the community, by not being able to access SEND services as a result of the restructuring. In addition, current SEND funding structure does not account for children under 5 with SEND, the nurseries only receive £6k compared to £33k going to special schools if the child is accepted with an EHCP. The current SEND Inclusive Funding (SENDIF) of £1200 per term for under 5s' take a year to process and by then the child reaches special schools who then receive EHCP funding for the entire amount of £33k. The current budget deficit at KW is at £1m which is mainly attributed to the gap in early years SEND funding for children under 5.
21. Furthermore, families of children with SEND heavily rely on nurseries such as KW, parents need support and the expertise provided by nurseries to help them meet the needs of their SEND children. Children with special needs, need early adult interaction within the window of opportunity in their early years to help with their development. The staff at Grove & KW are highly skilled in performing tracheostomies, eye drops, tube feeding and diabetic injections within the class room environment for children with special needs, as well as in supporting their learning and development.
22. The commission learnt from representatives of NAHT that resource based provisions are being applied in other neighboring boroughs to manage the gap in funding for SEND in nurseries, and that there are examples of resource based provision in Lambeth and Wandsworth boroughs which have been provided to the council.
23. The commission in its findings on the restructuring of KW nursery learnt that the 15 planned redundancies at KW would result in a loss of under 5 SEND provision for children at the nursery, incurring a higher cost for parents in early years and even higher costs for schools in later years. The commission also noted that DfE have provided an additional funding of £0.5m for schools in need and a significant portion of the fund would go to KW nursery school. The commission also discovered that there are other schools such as Ann Bernadt Nursery School that have budget deficits and undergoing consultation on closure. The commission understands that funding issues exist across 12 schools and nurseries across Southwark and it is important that all nursery budgets with financial deficits are considered by establishing clear and transparent funding criteria's.

Recommendation 5 – That the Cabinet review nursery budgets with financial deficits and aim to reduce the impact on the nurseries' and its SEND provisions, whilst also ensuring the additional DfE funding is equitable and funding criteria's are established among nurseries in need; and also to proactively approach nurseries with budgetary deficits within

the within the first quarter of the new municipal year 2024-2025.

Recommendation 6 – That the Cabinet explore all possible options with regards to supporting all LA maintained nurseries and its provisions - , ensuring they can maintain their provision and stay open - especially but not limited to Kintore Way (KW) nursery going forward

- Early years SEND funding (EHCP) for children under 5 in nurseries
 - Pilot programme of Resource Based Provision proposed for 3 posts of staff supporting 20 SEND children in a designated area of the nursery
 - Clearly devise a long term plan for reducing the budget deficit ensuring long term financial sustainability
 - That measures such as the ones listed above are considered swiftly if any nursery is at risk of having to reduce provision or close.
24. As a result of discussions at the commission meetings, discussions between officers and schools on resource based provisions and Under 5 SEND provisions have taken place, and the arising recommendations on SEND have been sent to the council for consideration. This process must continue ensure the sector is supported.
25. Through its discussions on EHCPs with officers, and addresses from Headteachers that existing EHCP backlogs are affect the processing time for new EHCPs and can take more than the statutory 20 weeks. Existing backlogs on EHCP cases are expected to be cleared By May 2024 In some cases reception schools have to wait a year to get an EHCP for pupil, there is a need for better data visualisation and updating systems to make them capable to deal with SEND and EHCP systems. The commission also learnt that increase in EHCP cases going to Tribunals have diverse issues like therapy provision, residential provision and disagreements with parents on local provisions.
26. Furthermore, SEND needs are higher among Local Authority (LA) maintained schools, the council has plans to remodel the funding structure to provide group funding to SEND providers. This amount would be given to the group at the start of the year for the entire year, reducing bureaucratic processes and enable recruitment for SEND providers throughout the year. The council is also looking to increase the early years SEND Inclusion FUND (SENDIF) funding in the budget, also there are plans to move Southwark from a two band system to a 4 tier model with allocated percentage funding. The commission appreciates the changes being made by the council in the SEND strategy, however also acknowledges that more work is needed.

Recommendation 7 – That the Cabinet commission officers to do an in-depth review of the processes and timelines for SENDIF and EHCP, with

an aim to investigate and mitigate the factors causing backlogs and long waiting times, and also aim to complete this by May 2025.

27. It is clear to the commission that a successful amalgamation such as BiB school are a culmination of key factors; strategic leadership, effective governance and regular communication with parents and teachers. The council also recognises the importance factors such as the underlying ethos of the schools being considered for amalgamation. Schools differ in the communities they serve, diversity in demographics, cultural and religious differences.

The commission feels that, for any future amalgamations, the council needs to be proactively communicating with schools at different stages of the amalgamation process, especially providing guidance and explanations in constitutional matters whilst adhering to the timeline of 23 weeks. The commission recognises the budgetary pressures on the council and the limited funding available to help schools in need. However, more investment is needed from the council in supporting the schools with resources (officer support for closures and amalgamations) and funding for budget deficit recovery, especially in light of the further projected falling of schools rolls in the Pupil Place Planning Report.

The commission congratulates the governing body, Headteachers and council officers involved in the successful amalgamation of Coburg and Camelot. However, the commission also feels that learnings and experiences from closure of schools such as Townsend, Francesca Cabrini and St. Johns Walworth and the impact it's had on children need to be considered in future decisions on schools. It is important that schools are guided through this transition period with as much certainty and stability as possible. And for this a mixture proactivity and consistently good communication are key.

The commission also noted that the role of the Director of Education no longer exists in the council's staffing structure, and it's important to provide schools, with a clear point of contact for closures and amalgamation within the council. This might be a single point of contact for all schools regarding these issues.

Recommendation 8 – That the Council continue to provide strategic leadership and effective governance within its current processes for amalgamation of schools, factoring in some key aspects

- Demographics of both the schools with regards to diversity, faith and culture
- Adhering to amalgamation process timeline of 23 weeks
- Local Authority support and investment
- Effective communication with parents in explaining stages of the

amalgamation process.

- That the council assign resources to ensure schools are given sufficient support to oversee amalgamations (for example a project manager/single point of contact with overall responsibility)
 - In cases of amalgamations, that the council has a plan to ensure the new school is supported in giving its staff secure contracts for the year ahead; given that, a merged school is new/expanded it will not have census data from the previous year to accurately reflect expected pupil numbers
 - That the council has a process for formally reviewing all amalgamations that have taken place and ensure all lessons are learnt and where there are positive stories, these are celebrated and shared.
 - That the enormous amount of work required by the school leadership and staff for a successful amalgamation is recognised and celebrated through offering the school support for positive news coverage through a media “event”, additional Inset days for staff, special awards for staff and honoraria payments, special awards for children or the school as whole
28. It is for the cabinet to decide whether or not to accept the scrutiny commission’s recommendations.
29. Overview and scrutiny procedure rule 15.3 requires the cabinet to consider and provide a written response to the report within two months.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Education and Local Economy Scrutiny Commission agenda and minutes- 19 July 2023	Southwark Council Website	Amit Alva Amit.alva@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=550&MIId=7666&Ver=4 (see item 5)		
Education and Local Economy Scrutiny Commission agenda and minutes- 19 October 2023	Southwark Council Website	Amit Alva Amit.alva@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=550&MIId=7667&Ver=4 (see item 5 & 6)		
Education and Local Economy	Southwark Council	Amit Alva

Scrutiny Commission agenda and minutes- 5 December 2023	Website	Amit.alva@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=550&MId=7668&Ver=4 (see item 6 & 7)		
Education and Local Economy Scrutiny Commission agenda and minutes- 30 January 2024	Southwark Council Website	Amit Alva Amit.alva@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=550&MId=7669&Ver=4 (see item 6)		
Education and Local Economy Scrutiny Commission agenda and minutes- 22 February 2024	Southwark Council Website	Amit Alva Amit.alva@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=550&MId=7872&Ver=4 (see item 5 & 6)		
Education and Local Economy Scrutiny Commission agenda and minutes- 14 March 2024	Southwark Council Website	Amit Alva Amit.alva@southwark.gov.uk
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=550&MId=7873&Ver=4 (see item 6)		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Member	Councillor Chloe Tomlinson, Chair, Education and Local Economy Scrutiny Commission
Lead Officer	Everton Roberts, Head of Scrutiny
Report Author	Amit Alva, Scrutiny Officer
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Dated	10 June 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive – Governance and Assurance	No	No
Strategic Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	10 June 2024	

Scrutiny Report