

<b>Item No</b>	<b>Classification:</b> Open	<b>Date:</b> 11 February 2011	<b>Decision taker:</b> Cabinet Member for Children's Services
<b>Report title:</b>	Proposal to amalgamate Alma primary school and St James Church of England primary school.		
<b>Ward (s) or groups affected:</b>	Grange and Riverside		
<b>From:</b>	Strategic Director of Children's Services		

## RECOMMENDATION

- 1 That the Cabinet Member for Children's Services agrees to publish an initial consultation on school reorganisation proposals which will effect an amalgamation of Alma Primary School and St James Church of England Primary School from September 1 2011.

## BACKGROUND INFORMATION

- 2 This report asks the Cabinet Member to agree to publish an initial consultation which seeks views on a proposal to amalgamate Alma and St James CE primary schools. This would be achieved by the enlargement of St James CE primary school and the closure of Alma primary school from September 1 2011. The Cabinet Member is asked to agree to opening the initial consultation on the closure of Alma school, which is a community school and the expansion of St James' CE School.
- 3 The St James CE governing body has agreed in principle to amalgamate with Alma primary school and to enlarge their school from a one to a two FE primary school. The proposed enlargement and the closure of Alma will be consulted on as one proposal with a linked statutory notice. Once closed all the pupils from Alma school would have a place at the new amalgamated Alma/St James CE school.
- 4 The recommendation has the principal educational benefit that it will provide an amalgamated St James CE/Alma primary school which will replace two existing schools, one of which is outstanding (St James) and one of which is currently has a Notice to Improve (Alma). In addition it will see St James CE permanently enlarged from a one form entry school to a two form entry primary school, which is the size that is considered for educational reasons to be the most appropriate for primary school organisation.
- 5 Alma school was a school in special measures and is currently subject to a Notice to Improve. It is part of a soft federation with St James C of E primary school under the executive headship of Karen Willis the substantive head of St James, which is an outstanding school that serves the same community as Alma in the Bermondsey Community Council Area.
- 6 When the soft federation was brought together in September 2010 it was agreed that a longer term solution would need to be considered at the beginning of the Spring Term 2011.
- 7 The Chairs of Governors of the two schools and the executive headteacher are very committed to a permanent long term relationship between the two schools and having

considered the options are keen to pursue amalgamation. The information outlined in paragraph 5 above indicates that the most appropriate educational longer term solution would be that technically Alma would close and St James's would expand as a 2 form entry split site primary school. The immediate educational advantage would be that Alma School would be amalgamated into an outstanding school and would lose the Notice to Improve.

- 8 The Diocesan Board is supportive of the proposal and there is agreement that the number of community places would be increased as a result of the amalgamation. The issue of land transfer from the Council to the Diocese will need to be negotiated. A clear communication strategy would be essential to demonstrate to the local community the advantage of an expanded St James's in raising standards and providing improved educational opportunities for local children.
- 9 It is proposed that St James would take over the Alma school accommodation in September 2011 and all the pupils at Alma school, including those children who will be offered a place in the April 2011 admission round who would have a place at the newly enlarged St James CE primary. Reception year places for September 2011 to both schools will be allocated in line with current published admission arrangements of each school.
- 10 Following agreement to this report there would be an initial informal consultation stage during which stakeholders would be consulted. The outcome of this consultation would be reported back to the Council and if agreed then there would be a further consultation period following the publication of the required statutory notice.

## **KEY ISSUES FOR CONSIDERATION**

### **Policy implications**

Effect on standards, contribution to school improvement

- 11 Alma school is a failing school which currently has a Notice to Improve. The Council has a duty to review all its failing schools and to ensure that they are turned round and become good schools. In the case of Alma school the authority established a soft federation with St James CE primary school, which is an outstanding school. St James' headteacher has been the headteacher in charge of both schools.
- 12 Both schools are one form entry primary schools. Alma school currently has 194 pupils, St James has 207 pupils. Neither school has a nursery. St James CE primary is on Old Jamaica Road SE16 and Alma primary school is in Alexis Street SE16. The two schools are some quarter of a mile apart.
- 13 St James CE is an outstanding school which has achieved excellent results – in 2010 100% of pupils at KS2 achieved above Level 4 in English and Maths and the school had a CVA KS1-2 score of 104.3, whereas Alma had 55% achieving above Level 4 in English and Maths and a CVA KS1-2 score of 99.0. It is anticipated that amalgamating the two schools would result in one outstanding enlarged school.
- 14 All the current pupils at Alma school would transfer to the newly enlarged St James school. The transfer of staff from Alma school will be under the Transfer of Undertakings (Protection of Employment) Regulations ("the TUPE Regulations").

Need for places

- 15 School roll projections are updated each year. The projections for the borough as a whole show the need for additional reception places from September 2011. However, in the north of the borough where these schools are situated the growth is determined by the pace of regeneration. In the medium term there is a projected need for additional permanent capacity. The Alma school building has 9 classrooms so it would be possible to provide a bulge class within the existing accommodation. The newly amalgamated school would therefore be able to accommodate a bulge class if it is found that one is required. Consideration will need to be given to how to accommodate the additional pupils forecast for this area in the medium term, but it is likely to be at other schools in the area as the newly amalgamated school will be concentrating on raising standards.
- 16 This potential for growth within a newly amalgamated school supports the Council's commitment to ensure that there are sufficient local primary places for local children.

#### Admissions policy

- 17 The governing body of St James sets its own admissions criteria and has agreed that the enlarged school would offer community places as well as denominational ones. The governors are proposing 20 places would be denominational and 40 available to the wider community each year.
- 18 The newly enlarged St James school would have an admission policy that would offer 60 places – 20 of these places would be offered on the basis of the school's current admissions policy of Looked after children followed by those children whose parents worship at St James Church Bermondsey or other church affiliated to Churches Together in England and who live in the school's catchment area. The remaining 40 places would be offered as open places to children whose parents are resident within the school's area, which would be an additional 10 open places over the current situation.
- 19 The newly amalgamated school will come into operation in September 2011 when the 2011/12 admissions round has been completed and places have been allocated on the basis of the current applications.

#### Land and buildings

- 20 The Alma school land and buildings would be transferred to the Southwark Diocesan Board who hold the site of the existing St James CE primary school in trust for the school. This would be at nil cost to the Board on the basis that the land and buildings would remain permanently in education use.
- 21 The permanent enlargement of St James CE primary school to a full two forms of entry is consistent with the planning principles agreed as the basis for the Primary Capital Programme.
- 22 It is not anticipated that there would be the need for capital works as a result of the amalgamation, however, this will be considered further during the planning stage. The design of the accommodation would be sensitive to the school's needs as a larger 2FE school.

#### **Community Impact Statement**

- 23 Both schools serve an area of deprivation. Amalgamating St James with Alma by enlarging St James and closing Alma will enable more pupils in the local community to benefit from the improved standards at an outstanding school.

#### Consultation

- 24 In carrying out the initial consultation process on the amalgamation of Alma with St James by the closure of Alma school and the enlargement of St James CE from 1 to 2 FE letters will be sent to the following education stakeholders: parents and carers of pupils and staff at both schools, Headteachers and chairs of governors of all Southwark schools, Councillors, local MPs, the Southwark Diocesan Board and Commission, trade unions and Directors of neighbouring authorities.
- 25 Meetings for parents and carers and staff to discuss the proposal will be held at both schools.
- 26 The outcome of the initial consultation will be reported back to the Cabinet. Cabinet will consider the outcome of the consultation and may decide to publish statutory notices to effect the proposal.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance**

- 27 Legal concurrent on proposals to amalgamate Alma Primary School and St James CE School

#### Legislative basis

- 28 The Local Authority has school reorganisation duties enabled by the Education and Inspections Act 2006 and inserted into the Education Act 1996. The Local Authority is therefore enabled to consult on proposals to effect changes to schools in its area.
- 29 The Local Authority has a statutory duty under s.14 Education Act 1996 to ensure there is sufficient primary provision and suitable special educational needs provision available in Southwark.
- 30 Alma Primary School is a community school and the Local Authority may publish proposals to close the school. St. James CE School is a voluntary aided school and its Governing Body (or the LA) may publish proposals to expand the school by enlargement.
- 31 The Portfolio Holder is asked to agree the publication of an initial consultation seeking views from stakeholders on the proposal to amalgamate the two schools by closure of Alma Primary School and the enlargement of St. James CE School.
- 32 The Portfolio Holder is enabled to agree the proposal under Part 3D, paragraph 17 of the Constitution.
- 33 The Portfolio Holder is advised that as this is an initial consultation stage, the legal implications are not in effect. However it is important that the consultation is carried out in line with the duration and manner as set out in the statutory guidance. Local Authority decision makers must take into account, the guidance "Closing a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies" updated 1 February 2010. The consultation should clearly and concisely set out the proposals and enable as many stakeholders as possible to comment on the proposals and should be delivered appropriately in consideration of the needs of the stakeholders.
- 34 Following stakeholder responses from the initial consultation, Cabinet may be asked to agree to publish statutory notices to effect the reorganisation outlined in the proposal.

35 As the proposal is the amalgamation of a community school with a faith school by closing the community school, it will be necessary to consider any equality implications arising from the proposal should Cabinet decide to publish statutory notices.

#### Employment implications

36 The amalgamation of the two schools will be a transfer of undertaking as defined by the TUPE Regulations 2006.

37 These Regulations provide guidance on the steps that both employers, the Council and St James' Governing Body, will need to take in exchanging employee information and consultation of staff. There are legal penalties for not complying with the TUPE Regulations in this respect. The Governing body of St James is a separate legal entity to the Council and will become the new employer for Alma staff.

38 At the time of the transfer, the Council's rights, powers, duties and liabilities in relation to the terms and conditions and contracts of employment of Alma' staff will transfer to the Governing Body of St James' school.

39 There may be a surplus of staff for the expanded school's requirement following the transfer. All staff of both schools will have protection under the TUPE Regulations from changes to their terms and conditions of dismissal as a result of the transfer. However employees could be dismissed if the reason or principal reason (before or after the transfer) is the transfer, or for a reason connected with the transfer unless that reason for the dismissal is an economic, technical, or organisational one and the reason for the dismissal entails changes in the workforce.

40 Any dismissals, whether following a transfer or reorganisation or not, need to be procedurally fair in all cases to prevent either the Council and/or the Governing Body being liable for automatic or normal unfair dismissal claims.

#### Property implications

41 Paragraph 4 of Part I of Schedule 3 to the School Standards and Framework Act 1998 states that in the case of a voluntary aided school, the local education authority shall provide any new site which is to be provided in addition to or instead of the school's existing site.

42 Where a site is provided, the local education authority is required to transfer their interest in the site and in any buildings on the site which are to form part of the school premises to the trustees of the school to be held by them on trust for the purposes of the school or if the school has no trustees to the school's foundation body to be held by that body for the relevant purposes. The Council is also required to pay the reasonable costs in connection with the transfer to the person to whom the transfer is made.

43 If work is required to be done for the purpose of clearing it or making it suitable for building purposes, the local education authority and the governing body may make an agreement providing for the making of such payments or of such other adjustments of their respective rights and liabilities as will secure that the cost of the work is borne by the Council.

44 If there are buildings on site which are of value for the purposes of the school, the local education authority and the governing body may make an agreement providing for the making of such payments or of such other adjustments of their respective rights and liabilities.

## **Departmental Finance Manager CS0126**

- 45 Schools are currently funded by the Dedicated Schools Grant, which the local authority receives based on the number of pupils present at the January count. By reducing the number of schools maintained by the Authority, there would be no effect on the total amount of funding received by Southwark Council. When schools are closed, any outstanding balance held by the school would be transferred to the local authority, whether these balances are positive or negative as set out in the scheme for financing schools. Where schools are amalgamated it is for the Authority to decide what happens with remaining balances. Current Annual Expenditure Plans for Alma shows end of year revenue balance position as £11,238 and capital balances of £91,614. As Alma is projecting surplus balances there are currently no costs relating to writing off balances for the Authority. St James' CE has planned carry forward balances of £69,608.
- 46 When a school amalgamates it loses lump sums elements within the grants and formulas. However, in turn the schools benefit from economies of scale such as single management teams. To support the school through this transition the Southwark policy is to provide the amalgamated school with a double lump sum (within the formula) in the first year post amalgamation.
- 47 For any school that is restructuring, there is a process in place to provide financial support via the Schools in Financial Difficulty panel; the costs considered on a case by case basis and costs are met by the schools and dedicated schools grant budget allocated for this purpose.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
DfE Regulations and Guidelines	Tooley Street	Martin Wilcox 020 7525 5018

## AUDIT TRAIL

<b>Cabinet Member</b>	Catherine McDonald, Cabinet Member for Children's Services	
<b>Lead Officer</b>	Pauline Armour, Assistant Director of Children's Services	
<b>Report Author</b>	Martin Wilcox, Education Planning Officer	
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Director of Finance	Yes	Yes
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