

Classification: Open	Date: 14 April 2011
Decision taker:	Cabinet Member for Children's Services
Report title:	Amalgamating Alma and St James CE primary schools – outcome of initial consultation
Ward (s) or groups affected:	Grange and Riverside
From:	Strategic Director of Children's Services

RECOMMENDATION

- 1 That the Cabinet Member for Children's Services considers the outcome of the initial consultation on the amalgamation of Alma and St James CE primary schools as set out in this report and agrees to the publication of the statutory notice for the proposal to close Alma primary school on August 31 2011 and the proposal to enlarge St James CE primary school from September 1 2011.

BACKGROUND INFORMATION

- 2 On February 17 2011 the Cabinet Member for Children's Services agreed in principle to the amalgamation of 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 also agreed to the initial consultation on the closure of Alma school, which is a community school.
- 3 Initial consultation on the amalgamation which would involve the closure of Alma and the enlargement of St James has been carried out as one combined proposal. The Alma and St James CE governing bodies had previously agreed in principle to amalgamate their two schools by closing Alma primary school and enlarging St James school from a 1 to a 2 FE primary school. They have since reviewed the consultation responses and the St James CE school governing body have formally agreed to the publication of the notice to enlarge their school in the context of the amalgamation with Alma, subject to agreement that the authority underwrite removal costs, redundancy costs and the costs of necessary building work to the Alma school building. These issues are addressed below.
- 4 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.
- 5 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 consultation responses are keen to pursue amalgamation. This means that technically Alma would close and St James's would expand as a 2 form entry split site primary school. The immediate advantage would be that Alma would be merged with St James' CE, which is an outstanding school and would lose the Notice to Improve.

- 6 The Diocesan Board is supportive of the proposal. It is proposed that St James would take over the Alma school accommodation and all the pupils at Alma school would have a place at the newly enlarged St James CE primary.
- 7 The initial informal consultation stage during which all education stakeholders have been consulted has now been completed. The outcome of this consultation is reported 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

- 8 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.
- 9 Both schools are one form entry primary schools. Alma school currently has 197 pupils, St James has 222 pupils. 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.
- 10 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. Amalgamating the two schools would result in an expanded St James, which is an outstanding school.
- 11 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

- 12 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. This is being met by the provision of bulge classes in the south of the borough. 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.
- 13 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

- 14 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. Currently the school offers places on the basis of their 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. All places could be denominational but in practice the school has a mix of denominational and community places. The governors are proposing the enlarged St James' school would have an admission policy that would offer 60 places, of which 20 places would be denominational. The remaining 40 places would be offered as open places to children whose parents are resident within the school's area.
- 15 The newly amalgamated school would 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.

Costs of amalgamation

- 16 The St James' governing body has agreed to proceed to the next stage of the process on the basis that there are certain financial costs associated with the amalgamation. These include the Council agreeing to underwrite expenses incurred in respect of removal costs and redundancy costs incurred in January 2012 as a result of the new staffing structure. In addition the governing body would want the authority to carry out any necessary building works to the Alma building.
- 17 The Local Authority will consider whether they are able to meet the redundancy costs at the Support for Schools in Financial Difficulty Panel. This process requires the production of a robust business case and the school having followed an agreed re-organisation procedure and is subject to available resources and the schools financial position. It would be possible to meet the costs of removals from current revenue budgets.
- 18 The necessary building works include refurbishing the kitchen and ground floor toilets, works to fire doors and the heating, easing windows, some internal redecoration and works to the entrance. These works have been identified by the school as a result of an inspection report. It is proposed that the urgent health and safety works, such as refurbishing the kitchen, toilets and fire doors, are carried out as soon as possible. The capital resources would be found from contingency funds and future capital resources which are to be the subject of a capital report.

Community impact statement

- 19 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, which will offer both denominational and community places.

Outcome of initial consultation

- 20 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 were 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.

- 21 Meetings for parents and carers and staff to discuss the proposal were held at both schools.
- 22 The outcome of the initial consultation is summarised as follows with officer comments in response to the issues raised (copies of the individual consultation responses can be made available if required). Cabinet are asked to consider the outcome of the consultation and to agree to the publication of the statutory notice to effect the proposed amalgamation.
- 23 There have been 86 responses to the initial consultation process.
- 24 56 responses from the two schools' community of parents, staff and governors in favour of the amalgamation for the following reasons:
- Staff from the two schools are already working well together with a shared curriculum and providing mutual support.
 - The governors at Alma have unanimously voted in favour of this option.
 - A Change Team has been established to work out what problems will be faced by the merging of the two schools and ways to solve them.
 - Alma school has plenty of space which will benefit St James'.
 - Both schools draw from the same local intake, with the background of the children in both schools more or less identical.
 - The enthusiasm of the executive head and her strong commitment to both schools will play a significant part in ensuring the success of the amalgamation.
 - Both schools share a similar ethos. The amalgamation will serve the local community well and will provide an opportunity for twice the number of children to experience education in an outstanding school.
 - Excited about the enhanced prospects, every child will have the opportunity to learn, why not make it the best possible.
 - Good for Bermondsey pupils, benefits for both schools, there will be more space for St James' pupils with the Alma building and good for Alma - opportunity to reorganise itself with a new management that can deliver high standard of education; this proposal should have been made some years ago.
 - Support but the new school should have 10 denominational places and 50 community places, as the proposed ratio would unfairly reduce access to education for all when compared to the current situation. *(Officer comment: St James CE school current admission policy is for Looked after children and then Church affiliation. As it stands children from families who are regular at Church get first call. Spare places are then given to siblings and on nearness to school. Alma school provides 30 community places. St James school agreement to providing 20 denominational and 40 community places when the school is enlarged to 2FE would formally provide more community places than at present.)*
 - Some concerns about the Alma building – dark inside, poor library and meals more expensive. *(Officer comment: A review is being undertaken of the Alma building with a view to investment in the site to ensure that it will provide the appropriate environment for the pupils at the school.)*
 - In principle supportive but need more written information on the proposal and how the two schools will be integrated to make a decision; nothing to reassure that Alma's gain is not St James' loss. *(Officer comment: The two schools will be integrated into one outstanding school. The younger children will remain on the St James site and the older children will move to the Alma building, which because of its size and scale will be more suitable for their education. The staff team will continue to work to achieve high standards for all the children within the school community.)*

25 21 responses from the schools' community of parents, staff and governors against the proposed amalgamation because

- St James' is a small school with a close knit community and this could be lost in the amalgamation; smaller schools with fewer pupils work better than larger ones; enlarging the school to 2 FE is regressive and will impact negatively on St James' children. *(Officer comment: It is the intention that the new amalgamated school would continue to provide the same support to the pupils at the enlarged school as is the case at the current St James'. The Council's Primary Strategy for Change supported the principle of 2FE primary schools on the basis that they are the most appropriate size for school organisation. There is no evidence that larger schools do less well than smaller schools. The new school would continue to be on two sites and the focus will continue to be on every individual child.)*
- It will bring the standards down; don't want to see standards drop; amalgamating an outstanding school with a failing school will result in both schools failing. *(Officer comment: Again evidence does not support this; there are already indications that joint working has benefitted the Alma school pupils and not disadvantaged the St James pupils. St James is a very successful school due among others to the school management and the quality of teaching, which it is the intention would continue in the new enlarged school. Good systems and focused learning will achieve the transformation to one outstanding school. The staff team will work with the parents and children to achieve high standards for all children within the school community)*
- Like the church ethos and fear it will be lost in the amalgamated school. *(Officer comment: the enlarged St James school will continue to have its church ethos but will offer places to the wider local community to share in that ethos)*
- It will be unsettling for existing pupils to go to two sites, and it is not easy to get between the two. *(Officer comment: it is not planned that the pupils would be travelling between the two sites rather that each site would accommodate a separate phase with the younger KS1 pupils on the existing St James school site and the older KS2 pupils on the larger ex-Alma school site. The two sites are some quarter of a mile apart. The Change Team is looking at how to ensure the most effective operation of the amalgamated school including a walking bus and possibly a staggered start time to ensure parents with children in both phases can deliver and pick up their children easily.)*
- It will be too much upheaval for St James pupils for the sake of saving Alma from closure. *(Officer comment: while it is recognised that there would be a period when the two schools will be formally joining together, the two schools already have experience of working together in a soft federation. The Change Team is working to ensure that any upheaval would be kept to a minimum.)*
- Concerned that it will unsettle the children and that parents with children in two different key stages will have to take the children to two different sites and that it will be difficult for children with confidence problems and special needs to move between school sites. Also one parent concerned that Alma has a bad reputation in the Bermondsey area. *(Officer comment: every effort will be made to avoid unsettling the children. Parents with pupils in the different key stages would need to travel to the two sites to pick up their children, but they are only a quarter of a mile apart and the school will operate a walking bus to get children between the sites and are looking at a staggered start time. Consideration will continue to be given to the special needs of pupils. There are already indications that joint working has benefitted the Alma school pupils; Alma school would be closed as part of the amalgamation process.)*
- The current children at St James will suffer as a result of the staff concentrating on the Alma children; the existing children should not suffer to help a failing school. Why not disperse the children from Alma to other schools around Southwark? How will parents arrange for children in different years to get to two different sites in time for school each day? *(Officer comment: again evidence does not support this; there are already indications that joint working has benefitted the Alma school pupils and not*

disadvantaged the St James pupils. Staff will continue to focus on every individual child. Alternatives to amalgamation were considered but would be more radical and would not offer the local solution currently being pursued. The Change Team is considering staggered starting times to make it easier for parents with children at both sites.)

- The consultation process is a token gesture; no other alternatives have been offered; more information needed on the structure of the new school; *(Officer comment: the consultation process is not a token gesture as it involves the circulation of a letter to all parents asking for their views and parents and Change Team meetings at both schools. Alternatives to amalgamation were considered but would be more radical and would not offer the local solution currently being pursued. The Change Team has been established and is working with parents to establish what problems will be faced by the merging of the two schools and ways to solve them.)*
- It does not matter what parents think; you are going to go ahead with it anyway. Dismayed by the way the whole process has been handled – little consideration being given to the pupils and parents. *(Officer comment: this is not a foregone conclusion because there is a two stage consultation process the outcome of which will be considered by the school governing bodies and Council's elected members before final decisions are made. It is not true that little consideration is being given to the pupils and parents; the consultation letter, parents' and Change Team meetings are all evidence of real consideration being given to parents' and pupils' views)*
- There should have been an initial newsletter circulated to all parents asking for their view on amalgamation as it will not be possible for the majority of parents to attend the meetings and the resounding response would have been no. *(Officer comment: There has been a lot of consultation including through the Change Team. The consultation process has shown differing opinions but the majority who have responded are in favour of the amalgamation.)*
- Now getting contrary responses to issues raised at earlier consultation meetings - is it now proposed that classes will be a mixture of St James and Alma pupils? Is it now proposed the school will have a new name? Is it now proposed that there will be a change of uniform? *(Officer comment: it is not proposed that classes would be a mixture of the two schools pupils. The Change Team is working on the questions of whether to have a new name or school uniform, they are working with the pupils, parents and staff to come up with the best solutions for the amalgamated school.)*

26 1 response critical of consultation process - why are you lying that you are consulting when the decision has already been made? *(Officer comment: again this is not true; the consultation process is being undertaken to establish the views of the local community before decisions are taken)*

27 4 Southwark headteachers in favour; one qualifying in their response that the amalgamated school should offer 30 denominational places as a minimum, not 20. *(Officer comment: see above)*

28 4 Southwark Chairs of governors in favour; one qualifying that having the school on two sites could be problematic. *(Officer comment: see above)*

29 At the two school meetings the following issues were raised. There was support for the amalgamation with comments such as loved atmosphere at Alma; outstanding school taking lead but maintaining ethos of small school; reassuring that children will stay in same classes; Change Team has been established to support the transition and is looking at simple solutions to operating on two sites like staggered start and finish times; good that 400 children can have what 200 children have – but the two sites community will stay the same as there will be similar numbers of children as now; in future schools will need to group together more anyway.

- 30 There was also concern about the proposed amalgamation; that it would mean that a small school would become larger; that parents were not being listened to; that there would be a loss of church places from 30/30 to 20/40; that this change is being done for the government not the children; it is being rumoured that Alma staff will have to reapply for their jobs; difficulties of operating on two sites; if same staff and same pupils how will standards rise? If both sets of parents say no what then? It will happen whether we like it or not. Will classes be mixed with pupils from Alma and St James'? Will Alma governors remain? What will happen to uniforms? Will the school be renamed? *(Officer comment: many of these issues are considered above – staff will be protected initially by TUPE and there will be a separate consultation process for them; the Alma school governing body would be dissolved but there would be scope for governors to serve on the amalgamated school governing body. The Change Team is considering issues such as school uniform and name and will look for solutions that can be supported at a local level)*

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

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

Legislative basis

- 32 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.
- 33 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.
- 34 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.
- 35 The Cabinet Member must be satisfied that the proposals contain the information specified in the School Organisation (Establishment and Discontinuance of Schools) England Regulations 2007.
- 36 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.
- 37 The Cabinet Member is advised that the proposal includes the continuation of the existing admission arrangements for St James' CE School should the two schools amalgamate in September 2011. The Cabinet Member is advised of the legal requirement to adhere to a published admission arrangements in respect of places offered in April 2011.
- 38 The Cabinet Member is advised that after the proposals are published the findings will be reported back to full Cabinet for determination.

Employment implications

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

- 40 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.
- 41 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.
- 42 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.
- 43 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.

Departmental Finance Manager CS0126

- 44 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. The final closing position for 2010/11 has not yet been confirmed.
- 45 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.
- 46 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.
- 47 Where capital resources have been identified these will be specified in future reports. These resources must be met from verified funding which has been identified as available following appropriate governance.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
DfE (Department for Education) Regulations and Guidelines	160 Tooley Street SE1	Martin Wilcox 020 7525 5018

AUDIT TRAIL

Cabinet Member	Catherine McDonald, Cabinet Member for Children's Services	
Lead Officer	Pauline Armour, Assistant Director of Children's Services	
Report Author	Martin Wilcox, Education Planning Officer	
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Strategic Director of Communities, Law & Governance	Yes	Yes
Director of Finance	Yes	Yes
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