

## **CABINET**

**11 JUNE 2019**

# **OUTCOMES OF CONSULTATION FOR THE PROPOSALS TO AMALGAMATE LUTON INFANT AND LUTON JUNIOR SCHOOLS**

Portfolio Holder:	Councillor Mrs Josie Iles, Children's Services (Lead Member) Councillor Martin Potter, Education and Schools
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### **Summary**

This report outlines the outcomes of the informal consultation period on the Council's proposal to amalgamate Luton Infant and Junior Schools by way of statutory prescribed alterations.

## **1. Budget and policy framework**

- 1.1 The proposals to make prescribed alterations to Luton Infant and Luton Junior Schools are consistent with the provisions of the School Place Planning Strategy 2018-22, and with the Council Plan outcome of 'All children achieving their potential in schools' and are within budget. Therefore this is a matter for the Cabinet.

## **2. Background**

- 2.1 Luton Infant School is a maintained community school, which currently provides education for pupils aged 3 to 7. At the last full Ofsted inspection in October 2018 the school was rated as 'Requires Improvement'. This is the third 'Requires Improvement' rating since March 2014.
- 2.2 Luton Junior School is a maintained community school, which currently provides Key Stage 2 education for pupils aged 7-11. At its most recent Ofsted inspection in September 2017, the school was rated as 'Outstanding'.
- 2.3 The options available under these circumstances are:
  - 1) To federate the schools, which means that the schools retain their individual status, their Ofsted rating and their budgets whilst agreeing to formally work collaboratively to benefit from shared best practice,

utilising funding from both schools for the benefit of all pupils and smoothing the transition processes between the schools. There would be a single governing body overseeing both schools, which would determine the most appropriate staffing structure for the schools, how the overall site was managed, consolidating policies and contracts to provide consistency and economies of scale. Federation is a decision for the schools' governing bodies, which would lead on the process with support from the local authority.

- 2) To amalgamate the schools into one formal establishment; the amalgamation would provide the benefits outlined in 1) but under a more formal arrangement of a single establishment. Amalgamation is a process proposed and led by the local authority who would be the decision makers.
- 3) To make no change and leave the schools as they currently are. As there is currently little collaboration between the schools, retaining the status quo does not provide any benefit to the pupils who attend and results in a fragmented educational journey through the schools with little consistency or continuity. Furthermore, it does not address the financial frailties of the schools.

2.4 On 15 January 2019, the Cabinet considered a report outlining the above options and agreed to instruct the Director of People – Children and Adults Services to commence the period of informal consultation for the proposed changes to Luton Infant and Luton Junior Schools (decision no.1/2019 refers).

2.5 The first stage in the process comprised of a six week informal public consultation, this took place between 4 February and 24 March 2019, and the results of this are set out in sections 4 and 5 of this report.

### **3. The Proposals**

3.1 The proposals are, by way of statutory prescribed alterations:

- To change of the lower age range at Luton Junior School from 7 to 3 years old, to enable them to admit the younger children from the infant school and nursery.
- The enlargement of the premises at Luton Junior School to enable it to incorporate the buildings currently occupied by Luton Infant School.
- The technical closure of Luton Infant School.

3.2 These are prescribed alterations which the governing body cannot propose. It falls to the Council to undertake the statutory process to make these changes. The Council is also the decision maker for the proposals. It is noted that both Chairs of Governors are supportive of more collaboration and partnership between the two schools.

3.3 It was proposed in the initial report, subject to approval following the statutory process, to formally implement the changes on 1 September 2019, when the school will become known as Luton Primary School and Nursery. However, whilst it is intended to determine the proposals before September

2019, following concerns raised during the consultation period by a number of stakeholders, it is now proposed to postpone the implementation date to 1 April 2020, which will enable sufficient time to align governance and procedures in the two schools, establish a single leadership and staffing structure, and consolidate policies, contracts and finances.

- 3.4 A period of informal consultation was held and this report outlines the outcomes of that period. Whilst there is no statutory requirement for this informal phase, the guidance from the Department for Education states “there is a strong expectation that schools and Local Authorities will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations”.

#### **4. Results of the Consultation**

- 4.1 As part of the statutory consultation process, there is an expectation that local authorities will conduct an informal consultation where the views of all interested parties can be expressed, and all views taken into consideration prior to formal publication of proposals.

- 4.2 The period of informal public consultation ran for six weeks from 4 February to 24 March 2019. The process included:

- public consultation documents circulated to the stakeholders and organisations listed in Appendix 1;
- publication of the consultation document on Medway Council’s website and on the Luton Schools’ websites;
- a press notice placed in the local newspaper to notify the public of the consultation period; and
- public drop-in meetings at the Infant school on 11 February, and at the Junior school on 5 March 2019.

- 4.3 There were 35 written responses in total to the consultations in the form of reply slips and emails, which were broken down as indicated below.

#### **5. Proposals to merge Luton Infant and Junior Schools**

- 5.1 The public consultation document (attached as Appendix 3 to the report) asked for a ticked response to one of the following statements:

- “I approve of the proposal to amalgamate Luton Infant and Junior Schools” or
- “I object to the proposal to amalgamate Luton Infant and Junior Schools”

- 5.2 35 responses were received to this consultation of which 31 (88.6%) overwhelmingly supported the proposal, two were neutral, and only two objected.

- 5.3 The responses which supported the proposal were broken down as follows (some respondents ticked more than one box):

Parent	9
Staff	22
Governor	2
Resident	1
Other	2

- 5.4 The two responses that objected to the proposal came from a local resident and a member of staff who was also a parent. The two neutral responses were from staff.
- 5.5 The response form also provided space for further comment. The comments have been summarised against a series of categories matching the comments and concerns of the respondents in the tables below. Some respondents offered more than one comment, and some reasons were included in more than one response, which has resulted in there being a higher number of reasons shown, in the tables below, than actual response sheets received.

**Comments from respondents who approved the proposals (31 respondents 88.6%)**

Comment	Number of respondents
Will make a seamless transition from infant to junior (see para 6.1)	10
Stability for children/ better start for children (see para 6.1)	8
Will enable better decision making (see para 6.2)	1
Unified leadership/ethos/stronger identity (see para 6.2)	3
More opportunity for staff to gain experience (see para 6.11)	2
Better use of space (see para 6.3)	2
Worried about staff losing jobs (see para 6.4.4)	10
Better use of money/procurement/resources (see para 6.3)	5
Worried about loss of funding (see section 12)	3
Worried about timeline/not enough time to reorganise (see para 10.2)	5
Worried about changes to senior leadership team (see para 6.2)	7
Worried about loss of land (see paras 6.4.2 and 6.4.4)	1
Worried about effect of closing one school and not both (see para 6.14)	2

**Comments from respondents who neither supported nor objected to the proposals (2 respondents 5.7%)**

Comment	Number of respondents
Beneficial to the children (see para 6.1)	2
Supportive of the leadership team at the junior school	1
Worried about staff jobs (see para 6.4.4)	2

**Comments from respondents who objected to the proposals (2 respondents 5.7%) see section 6.5 to 6.8**

Comment	Number of respondents
Concern about traffic/parking (see para 6.4.1)	1
Worried about building being demolished (see para 6.4.2)	1
Transition isn't an issue (see para 6.4.3)	1
Worried about changes to school (see para 6.4.4)	1

**6. Advice and analysis**

- 6.1 Those respondents who overwhelmingly approved the proposals saw the benefits to the pupil's education in the removal of a transition point, the continuity of education providing a stable and founded start to life and as a result improving outcomes.
- 6.2 Positive comments also cited better opportunities for effective leadership and decision making. A single ethos throughout the school will afford a stronger identity and place in the community.
- 6.3 Other positive comments centred around the schools finances by providing the opportunity to better utilise funding, centralise contracts, and make more effective use of resources as well as making more efficient use of the overall space available.
- 6.4 The responses to the consultation which objected to the proposals were based around the following in paragraph 6.4.1 to 6.8:
- 6.4.1 **Concern about traffic/parking** – As no increase in the number of pupils who attend the school is intended or expected, it is likely that there will be little or no change to the current status of parking and traffic generated around the school. It is expected that the school would make every effort to encourage parents to walk to school.
- 6.4.2 **Worried about the building being demolished** – There is no intention to demolish the buildings; the number of children attending the school will not change and therefore the entire current set of buildings will be required for the new school.
- 6.4.3 **Transition isn't an issue** – Whilst there is some work undertaken between the two schools as part of the pupil's transition between years 2 and 3, as one school that transition will be seamless and managed with more coordination providing a more cohesive education experience for the pupils and streamlined for the staff.
- 6.4.4 **Worried about changes to the school**– Physically, there are likely to be minimal change to the buildings, although some adaptations may be required. Inevitably, there will be change to the way the school is managed and staffed, however, this is expected to be positive change with the single school operating more effectively than the two individually, with the aim of improving the outcomes of the pupils who attend.
- 6.5 When a school closes its Ofsted rating is removed, and when a school expands as Luton Juniors is proposed to do, it retains its Ofsted rating. Therefore, as ratings currently stand, the amalgamated primary school will be 'outstanding' Ofsted rated.

- 6.6 It is not expected that the proposals will have a detrimental impact upon the other schools in the area, as these proposals neither increase nor decrease the number of spaces available at the schools.
- 6.7 No pupils will be displaced and all pupils at the infant and junior schools will be guaranteed a place at the newly created primary school should they want one. The Published Admission Number (PAN) at the new school will remain at 90.
- 6.8 The amalgamation will remove a transition point between key stages 1 and 2, which will mean that the pupils will benefit from a seamless transition through the school, and parents will not need to apply for a place at the junior school as they currently do.
- 6.9 National and local policy states that popular and successful schools will expand wherever possible. By extending the age range and premises at Luton Junior School ensures that within this context that policy is supported.
- 6.10 Amalgamation will enable the school to benefit from a single staffing structure, to consolidate contracts, operate a single budget, provide a single pathway through the pupils primary education bringing together policies across the school, providing continuity for parents and pupils, as well as a focussed and consistent education pathway which will enable pupils progress and attainment to be monitored in a consistent way so that appropriate interventions can be put in place at an early stage enabling the pupil to realise their potential to the fullest.
- 6.11 The amalgamation will provide for staff to share best practice and expertise, as well as the opportunity to teach across the key stages, if desired, aiding personal development and building peoples knowledge and experience.
- 6.12 The future of schools that are, or at serious risk of becoming, financially unviable will be reviewed. Luton Infant School is currently in the third year of a deficit recovery plan; the junior school, whilst in a healthier position needs to address a potential reduction in reserves predicted for the next two to three years. As a primary school, there is more opportunity for the school to consolidate, re-profile and stabilise its financial status than there is as two individual and smaller schools.
- 6.13 The Council's School Place Planning Strategy 2018-22 states, within section 6.2.5 – updating the school organisation principles – that infant and junior schools should amalgamate where possible to reduce the number of transition points for pupils within primary education. These proposals provide that outcome.
- 6.14 One point raised was the closure of one school and the impact of that upon the schools; It is a technical aspect of the process that one school closes, and whilst there could be a perception of a 'take over', this is not the intention nor the outcome, it is simply a way of creating the new primary school through the statutory process. All efforts will be made to ensure that the closing school does not feel 'done-to' and that this is a collaborative way forward, ultimately for the benefit of the pupils who attend both schools.

## **7. Public drop-in meetings**

- 7.1 Public drop-in meetings were held at the Infant School on 11 February, and at the Junior School on 5 March 2019. Parents and other interested stakeholders were invited to come and ask any questions and raise concerns.
- 7.2 One parent attended the infant school meeting and was generally supportive of the proposals.
- 7.3 One parent attended the junior school meeting and was very supportive of the proposals.
- 7.4 Four members of staff attended the junior school meeting and raised a number of questions which were answered by the officer in attendance.
- 7.5 Local ward councillors were given the opportunity to discuss the proposals with officers, and this offer was taken up by some members. There was full support for the amalgamation amongst those councillors who attended, although some concerns were raised about the speed of the implementation date.

## **8. Diversity Impact Assessment**

- 8.1 A Diversity Impact Assessment (DIA) screening form is attached as Appendix 2 to the report. The DIA looks at how the proposed changes could impact upon various groups. The report shows that there could potentially be some impact upon certain groups; however it shows that any impacts are expected to be positive ones. The screening form indicates that a full DIA is not necessary.

## **9. Impact of the proposal on arrangements for looked after children**

- 9.1 Looked after children receive the highest priority for admission to all Medway schools. If necessary, the Admissions Code allows the Council to place looked after children in schools that would otherwise be deemed full. This ensures that the Council can secure appropriate provision for children that are looked after by the Local Authority. This strategy covers both mainstream and special schools and as such includes Luton Infant and Luton Junior Schools.

## **10. Publication of a statutory notice**

- 10.1 If Cabinet accepts the recommendation to progress the proposals further, it would be necessary to publish a statutory notice and formal proposals of the proposed changes to Luton Infant and Junior Schools, by way of prescribed alterations, to provide an opportunity for formal objection. This would run for a four-week period from 24 June to 21 July 2019. The process would follow the guidelines set out in "Making significant changes ('prescribed alterations') to maintained schools (A guide for proposers and decision makers) October 2018.", and "The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013".
- 10.2 The proposals would be slightly revised from the initial proposal consulted upon in the informal stage, with the implementation date postponed until April 2020. The statutory process will complete in July 2019 with the

decision on target to be taken in August, so that when the schools return in September the governing body can commence the process of determining the staffing structure, the leadership team and the consolidation of policies in order for the amalgamation can be phased in and be fully operational in the spring of 2020.

10.3 The revised timeline would be:

Cabinet – Outcomes of informal consultation	11 June 2019
Period of Statutory Representation	24 June to 21 July 2019
Determination/Decision	August 2019
Implementation	1 April 2020

10.4 Cabinet is also requested to approve that, should no objections be raised during the statutory period, the determination on the proposals be delegated to the Director of People - Children and Adults Services in consultation with the Portfolio Holders for Children’s Services and Education and Schools. However, if any formal objections are received during that time then the decision will revert to Cabinet.

## 11. Risk management

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
A risk to the future financial viability the schools if amalgamation does not take place	Both schools are indicating a potential deficit position, which would impact upon the schools’ ability to provide suitable education for the pupils that attend the schools	Amalgamating the schools would enable the opportunity to take advantage of economies of scale.	C3
Lack of public support	A number of parents and potentially governing body members may not wish to amalgamate the schools	Undertake a full consultation process to highlight the key benefits of amalgamation on young people and parents/carers.	C2



## **12. Financial and Legal implications**

- 12.1 The Council has the power under sections 18 and 19 of the Education and Inspections Act 2006 to make "prescribed alterations" to a maintained school. The procedure for making prescribed alterations is set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 12.2 From 24 January 2014 there is no longer a prescribed 'pre-publication' (informal) consultation period for prescribed alterations. There is a strong expectation on Local Authorities to consult interested parties in developing their proposal prior to formal publication as part of their duty under public law to act rationally and take into account all relevant considerations. This informal period of consultation will satisfy that expectation.
- 12.3 Aside from the cost of the consultation process, approximately £900, there will be no financial implications for the Council during the statutory consultation period.
- 12.4 Mainstream school funding allocations are calculated and set using the schools and academies funding formula. One factor in the formula, is the lump sum currently funded at £75,000 per school. Where schools amalgamate on 1 April, the new school will receive the equivalent of 85% of the combined lump sums in year one reduced to one lump sum in the second year.
- 12.5 The local authority can apply to the education skills funding agency to extend to lump sum protection for a second year (i.e. into the third year) up to a maximum of 70% of the combined lump sum funding. Any such application will need the agreement of the Schools Forum before it can be submitted to the ESFA.
- 12.6 When a school closes, any balance (whether surplus or deficit) reverts to the local authority and cannot be transferred to any other school even when the new school is the successor to the closing school as outlined in section 4.8 of the Medway Scheme for financing schools. As Luton Infants school is in a deficit recovery plan at the time of conversion there may be a financial cost to the local authority.
- 12.7 The Council has a statutory duty to provide sufficient good quality school places. The implementation of these proposals will assist the Council in meeting that duty.

## **13. Recommendations**

- 13.1 The Cabinet is asked to consider the responses to the informal consultation together with the advice and analysis from officers and to instruct the Director of People - Children and Adult Services to commence the period of statutory representation for the proposed changes to Luton Infant and Junior Schools, as set out in paragraphs 10.1 and 10.2 of the report, when statutory notices and full proposals will be published.
- 13.2 The Cabinet is asked to agree to delegate authority to the Director of People - Children and Adults Services, in consultation with the Portfolio Holders for Children's Services (Lead Member) and Education and Schools, to determine whether to approve the proposals at the end of the statutory

consultation period if no objections are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.

#### **14. Suggested reasons for decisions**

- 14.1 Approval to proceed to a period of statutory representation will ensure the Council complies with its duty to follow the full consultation process when proposing changes to school organisation.

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#### **Appendices**

Appendix 1 - List of consultees

Appendix 2 - Diversity Impact Assessment screening form

Appendix 3 - Consultation document

#### **Background papers**

Making significant changes ('prescribed alterations') to maintained schools (A guide for proposers and decision makers) October 2018:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/751295/Maintained\\_schools\\_prescribed\\_alterations\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751295/Maintained_schools_prescribed_alterations_guidance.pdf)

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013:

<http://www.legislation.gov.uk/uksi/2013/3110/contents/made>

Medway's School Place Planning Strategy 2018 – 2022:

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4052&Ver=4>  
item 4 refers