

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

25 JULY 2019

PROPOSED AMALGAMATION OF STOKE PRIMARY AND ALLHALLOWS PRIMARY ACADEMIES

Report from: Ian Sutherland, Director of People – Children and Adult Services

Author: Paul Clarke, Programme Lead School Organisation and Capital Services

Summary

This report outlines the Leigh Academy Trust's proposals to amalgamate Stoke and Allhallows primary academies, the questions and concerns raised and the formal response made by the Council.

1. Budget and Policy Framework

- 1.1 As the two schools are academies, the Council has no proposing or decision making powers.
- 1.2 The Council can make representations to the decision makers, but are not able to be part of the decision making process.

2. Background, analysis and advice

- 2.1 Stoke and Allhallows Primary Academies are both part of the Leigh Academies Trust, having been formerly part of the Williamson Trust prior to the trusts' merger.
- 2.2 Previously The Williamson Trust had considered making similar proposals, but didn't progress them. Upon the merger of trusts, Leigh Academies Trust revitalised the proposals.
- 2.3 Both schools are situated in rural villages in the Eastern Peninsula school place planning area. Prior to becoming academies both were classified as rural schools and there is a presumption against the closure of rural schools. Upon academisation that classification was dropped, however it is considered by officers that similar principles should apply or at least be considered when determining such proposals.

- 2.4 Both schools are significantly undersubscribed. Stoke has 42 spare places out of 140 (30% surplus capacity) and Allhallows has 124 spare places out of 210 (59% surplus capacity). DfE recommendations are for schools to operate at around 5 - 10% surplus. The site at Allhallows is able to provide sufficient spaces for all pupils at both schools and forecasts indicate that this will be the case for the next five years. Primary school forecasts only extend to 5 years as we cannot be certain on birth rates beyond that.
- 2.5 Allhallows school is rated as 'Good' by Ofsted whilst Stoke is 'Requires Improvement' and has been for several years.
- 2.6 The Local Housing Plan, currently under development, highlights the peninsula as an area for development to help the council meet its house building targets. However, the majority of the proposed housing will take place in and around Hoo St Werburgh, Chattenden and High Halstow. Some development is indicated for Allhallows in the latest iteration of the plan, but not around Stoke. Although that may change before the final version is approved.
- 2.7 Plans are being developed between education and planning officers, as part of the local plan development, as to how to meet school place demand from the expansions of Hoo St Werburgh, Chattenden and High Halstow villages. This will take the form of expansions at local schools and some new schools. No expansion of Stoke was being considered as the distance between Hoo and Stoke is greater than that between, for example, Hoo and Hilltop Primary School in Strood, and accessibility between Hoo and Stoke is difficult.
- 2.8 The basis of the trusts rationale for the proposals is centred on the financial and educational viability of the schools with the low numbers at the schools causing issues around the resourcing of the provisions, teachers working across the two site already, mixed age classes, and that years 1 and 2 from Stoke are already taught at Allhallows and transported daily.
- 2.9 The Council's main concern was how the children were to be transported between the villages on the grounds of safety, frequency of buses, and the permanency of the arrangements. It is worth noting that only 58% of the pupils who attend Stoke Primary School live in Stoke. 18% live in Allhallows and 24% are from other peninsula villages and beyond.
- 2.10 The loss of a community facility in a rural area was also raised as a concern as part of the councils objection to the proposals.

4. Risk management

- 4.1 If the proposals are approved by the Regional Schools Commissioner, the following risks could apply. However, as the council has no control over the decision making process, stating an action to mitigate these is difficult.

Risk	Description	Action to avoid or mitigate risk
Insufficient primary school places.	The proposals result in a loss of 20 places per year group across the two schools. Whilst current forecasts up until 2023 indicate that sufficient places will be available, there is a risk that an influx of pupils into the area could mean a shortage of places.	Continue to robustly monitor the forecasts for school places, and highlight any potential shortfall. Work with the trust to meet demand.
Transport costs could fall to the council if the Trust withdraw the minibus service.	The Trust has committed to providing a minibus service for three years with a review to assess the need. Should they determine not to continue, the cost of transporting any eligible child would fall to the council.	Closely monitor this situation to ensure that the Trust continue to provide the transport service for all children ongoing.
Costs of site upkeep would fall to the council if the lease is surrendered by the trust back to the council.	When the site is surrendered back to the council, as the trust intends to do, all cost for maintenance, insurance and security would fall to the council, with no allocated budget for this purpose.	Reutilise the site for alternative council purposes or look to sell the site.
Future costs of providing additional school places in the future.	If in the future additional school places are required in the area, due to new housing schemes, then the cost of providing these will fall to the council.	Plan places accordingly, and pool developer contributions to fund an expansion at Allhallows at the appropriate time.

5. Consultation

- 5.1 As the schools are academies, it falls to the Academy Trust to undertake the consultation process. The Leigh Academy Trust operated a four week period of consultation on the proposals which ended on 20 June.
- 5.2 The trust did undertake a wide ranging consultation and received numerous responses. All responses have been made available to the Regional Schools Commissioner for consideration as part of the deliberations.
- 5.3 No Diversity Impact Assessment is required for this report.
- 5.4 Upon receipt of the initial consultation document (appendix 1), a response was submitted from The Council (appendix 2) asking for clarifications and answers to questions arising.
- 5.5 Subsequently a response from the Trust was received (appendix 3) as well as some positive answers to questions raised. Following that, the Council made a formal response to the consultation (appendix 4).

5.6 The council received a further letter from the trust (appendix 5).

6. Petition

6.1 A petition containing approximately 1500 signatures, was received by the Council on 9 July 2019 at its Cabinet meeting. The petition requested Medway Council “to use its influence and powers to prevent the merger of Stoke Community School and Allhallows Primary Academy”.

6.2 The Director of People – Children and Adults responded to the petition organiser on 16 July 2019, explaining that Medway Council is a statutory consultee to any school mergers and or closures for Academy Trusts. The decision powers however rests with the Regional School Commissioner (RSC) and the Headteacher board. They have the power to either agree, refuse or refer to the Minister for approval. The Council have formally responded to the consultation undertaken by Leigh Academy Trust. We await the decision of the RSC in due course.

7. Implications for Looked After Children

7.1 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 Stoke and Allhallows primary academies.

8. Financial implications

8.1 There are no direct funding implications from this report. However, future impacts include;

8.2 Should Leigh Academies Trust proposal be successful and they decide at a point in the future to cease the minibuss service, then there could be circumstances when the council becomes responsible for the home to school transport costs. For the current cohort of pupils no cost would be incurred as no child is eligible under the criteria, although this could change in the future.

8.3 Should the proposal be successful and the surrender of the lease is agreed, then the council will be responsible for the maintenance, security and insurance of the vacant buildings.

8.4 If the site is returned to the council, there could be an opportunity for a sale for residential use, which would realise a capital receipt. The Secretary of State’s approval would be required to dispose of the land. However, additional housing in Stoke would increase demand for school places.

8.5 If the proposal is approved, then in the future there could be a need to increase capacity in the eastern peninsula area if potential housing is progressed. There is sufficient space at Allhallows to increase school capacity but no funding is available for this purpose and the council would need to rely upon S106 developer contributions to fund any expansion. Receipt of such funding is often staggered and in arrears and so there could difficulty in providing sufficient places when required.

9. Legal implications

- 9.1 The Council has no decision making power in regard to proposals published by academy trusts. The Secretary of State for Education is the decision maker in this circumstance and in most case delegates that authority to the Regional Schools Commissioner, who determines proposals through the Head teacher board. In contentious cases the RSC will escalate the decision back to ministers. *(At the time of writing no decision has been made. The HT board is set for 11 July, but officers fully expect this to be escalated to ministers for determination. If this is the case the decision is unlikely to be known before 25 July).*
- 9.2 The decision makers should consider all responses to the consultation, including the Council's.
- 9.3 The Council has a statutory duty to provide sufficient school places.

10. Recommendation

- 10.1 The committee is asked to note the report.

Lead officer contact

Paul Clarke, Programme Lead - School Organisation and Capital Services
Tel: (01634) 331031 Email: Paul.clarke@medway.gov.uk

Appendices

- 1) Leigh Academies Consultation letter
- 2) Medway Council first response raising questions
- 3) Leigh Academies Trust response
- 4) Medway Council final response to the proposals
- 5) Leigh Academies further response.

Background papers

None