

## **CABINET**

**6 AUGUST 2019**

# **REQUEST TO CONSULT ON PROPOSALS TO AMALGAMATE PARK WOOD INFANT AND PARK WOOD JUNIOR SCHOOLS**

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

Report from: Ian Sutherland, Director of People - Children and Adults Services

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### **Summary**

This report outlines the Council's proposals and processes to amalgamate Park Wood Infant and Junior Schools by way of statutory prescribed alterations, and requests approval to commence the statutory consultation period.

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

- 1.1 The proposals to make prescribed alterations to Park Wood Infant and Park Wood 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 Park Wood Infant School is a maintained community school, which currently provides education for pupils aged 3 to 7. At the last Ofsted inspection, published in March 2019, the school was rated as 'Good'. The school has consistently been rated 'Good' for over 10 years.
- 2.2 Park Wood 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, published in March 2017, the school was rated as 'Good'. The school has consistently been rated 'Good' for over 10 years.

- 2.3 The two schools are federated, which means they have one headteacher, one governing body, one staffing structure, and a single set of school policies and contracts. However, they are still two individual schools, with their own budgets and separate Ofsted ratings.
- 2.4 The schools have stated that they wish to amalgamate. This would result in a single school, and so they would have a single budget, and a single Ofsted rating. As they are community schools, they have requested that the local authority makes the statutory proposal on their behalf. The amalgamation process would be led by the local authority, who would also be the decision maker.

### **3. The proposals**

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

- To change of the upper age range at Park Wood Infant School from 7 to 11 years old, to enable them to admit the older children from the junior school.
- The enlargement of the premises at Park Wood Infant School to enable it to incorporate the buildings currently occupied by Park Wood Junior School.
- The closure of Park Wood Junior 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. The school has asked the Council to make these proposals, and so is supportive of the change.

3.3 It is proposed, subject to the outcome of the period of statutory representation, to formally implement the changes on 1 September 2020, when the school will become known as Park Wood Primary School.

3.4 A period of informal consultation will be held before the formal statutory representation process. 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 LAs 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*". Given the nature of these proposals it is recommended that a period of informal consultation is held to gauge views. The comments received at the informal stage are used to develop the proposals into the statutory representation period.

3.5 Following the 6 week informal consultation period the next stage in the statutory process will be the publication of a notice in the Medway Messenger newspaper. This would alert the public to the formal consultation, and direct them to the Council website, where a copy of the proposals would be available. The proposal would also be placed on the Park Wood Schools' website. The notice and proposals would also give contact details so the public can comment on the proposals, either by post or electronically.

#### **4. Advice and analysis**

- 4.1 When a school closes its Ofsted rating is removed, and when a school expands as Park Wood Infants is proposed to do, it retains its Ofsted rating. Therefore, as ratings currently stand, the amalgamated primary school will retain a 'Good' Ofsted rating.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 The schools already benefit from federation (see para 2.3). Amalgamation will provide opportunities and allow the schools to consolidate further areas such as contracts, operate a single budget and provide a single pathway through the pupils' primary education. This in turn will provide continuity for parents and pupils.
- 4.6 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.

#### **5. Diversity Impact Assessment**

- 5.1 No Diversity Impact Assessment (DIA) screening form is attached to this report, however one will be completed after the informal consultation and will accompany the outcomes of consultation report.

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

- 6.1 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 Park Wood Infant and Park Wood Junior Schools.

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

- 7.1 Following the informal period of consultation, which would run from Monday 9 September 2019 to Sunday 20 October 2019, and 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 Park Wood Infant and Park Wood Junior Schools, by way of prescribed alterations, to provide an opportunity for formal objection. This would run for a further four-week period from Monday 13 January to Sunday 9 February 2020. The process would follow the guidelines set out in "Making significant changes ('prescribed alterations') to

maintained schools (Statutory guidance for proposers and decision-makers) October 2018”, and “The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013”.

## 7.2 Timetable for consultation (indicative and subject to appropriate approvals):

Cabinet – to commence consultation	6 August 2019
Informal Consultation period (6 weeks)	9 September to 20 October 2019
Cabinet – Outcomes of informal consultation	17 December 2019
Period of Statutory Representation	13 January to 9 February 2020
Determination	March 2020
Implementation	1 September 2020

## 8. Risk management

8.1 The table below sets out the potential risks and mitigations associated with the proposal to amalgamate Park Wood Infant and Park Wood Junior Schools

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>
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.
Financial	Each individual school receives a £75,000 lump sum as part of their school funding. When the two schools amalgamate one of the lump sums will be removed.	Offset reduction in funding By consolidating services and costs.

## 9. Financial and legal implications

9.1 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.

9.2 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.

- 9.3 Aside from the cost of the consultation process, approximately £900, there will be no financial implications for the Council during the statutory consultation period.
- 9.4 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 set at £75,000 per school. Where schools amalgamate after 1 April, the new school will continue to receive funding equivalent to the formula funding of both schools added together for the remainder of the financial year, 85% of the combined lump sums in the following year reduced to one lump sum in the third year.
- 9.5 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.
- 9.6 When a school closes, any balance (whether surplus or deficit) reverts to the local authority. With Cabinet's approval, the local authority can opt to transfer Parkwood Juniors surplus balance to the new school but it cannot for any reason transfer any deficit balance to the new school even if the new school is the successor to the closing school as outlined in section 4.8 of the Medway Scheme for financing schools.
- 9.7 The Council has a statutory duty to provide sufficient good quality school places.

## **10. Recommendation**

- 10.1 The Cabinet is requested to instruct the Director of People – Children and Adults Services to commence the period of informal consultation for the proposed changes to Park Wood Infant and Park Wood Junior Schools, as set out in paragraph 3.1 of the report.

## **11. Suggested reasons for decision**

- 11.1 Approval to proceed to a period of informal consultation will ensure the Council complies with its duty to follow the prescribed consultation process when proposing changes to schools.

### **Lead officer contact**

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### **Appendices**

None

### **Background papers**

- 1) Making significant changes ('prescribed alterations') to maintained schools (Statutory guidance 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)

2) The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 <http://www.legislation.gov.uk/uksi/2013/3110/contents/made>

3) The School Place Planning Strategy 2018-22  
[https://www.medway.gov.uk/downloads/download/453/school\\_place\\_planning\\_strategy\\_2018-2022](https://www.medway.gov.uk/downloads/download/453/school_place_planning_strategy_2018-2022)