

CABINET

14 JANUARY 2020

OUTCOMES OF CONSULTATION FOR THE PROPOSALS TO AMALGAMATE PARK WOOD INFANT AND 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
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Summary

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

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 Strategy 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 and, in essence, are already operating as a single school. However, they are still officially classified as two individual schools, with their own budgets and separate Ofsted ratings.
- 2.4. The schools and their governing body 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, the amalgamation process must be led by the local authority, who would also be the decision maker.
- 2.5. On 6 August 2019, under decision number 92/2019, the Cabinet considered a report outlining the proposals and instructed 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 this report..
- 2.6. The six-week informal public consultation took place between 9 September and 20 October 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 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 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 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 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”.

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 9 September to 20 October 2019. The process included:
- public consultation documents circulated to the stakeholders and organisations listed in Appendix 1 to the report;
 - publication of the consultation document on Medway Council's website and on the Park Wood Schools' website; and
 - a press notice placed in the local newspaper to notify the public of the consultation period.
- 4.3. There were 4 written responses in total to the consultations in the form of reply slips and emails, which were broken down as indicated below.
- 4.4. Whilst this may seem a small number of responses, it is not unexpected given the circumstances around these proposals. The schools already operate as a single entity and staff and parents already consider the schools to be one. No other school or resident in the area will be impacted upon as the number of pupils will remain the same.

5. Proposals to amalgamate Park Wood 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 Park Wood Infant and Junior Schools" or
 - "I object to the proposal to amalgamate Park Wood Infant and Junior Schools"
- 5.2. Four responses were received to this consultation of which three overwhelmingly supported the proposal and one was neutral. There were no objections.
- 5.3. The responses which supported the proposal were broken down as follows (some respondents ticked more than one box):

Parent	1
Staff	0
Governor	0
Resident	0
Other	2

- 5.4. 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 (3 respondents)

Comment	Number of respondents
Better for children's education	1
Allows more support for children to develop at a pace that meets their needs	1
Makes sense from an education, administration, and infrastructure perspective	1
Removes uncertainty for parents and pupils in the infant school	1
Will reduce office workload and allow school to spend more time on children	1

Comments from respondents who neither supported nor objected to the proposals (1 respondent)

Comment	Number of respondents
I would strongly urge that the Local Authority takes into full account the wishes of the parents of children attending both schools, their teaching staffs, leadership teams and governors, and put forward recommendations in the best interests of all stakeholders moving forward.	1

6. Advice and analysis

- 6.1. Those respondents who compellingly approved of 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 outcome.
- 6.2. 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.
- 6.3. It is not expected that the proposals will have a detrimental impact upon the numbers or standards at the other primary schools in the area. 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.
- 6.4. The amalgamation will enable the school to formalise its current arrangements as a federation. The governing body and senior leadership team are already in place and the schools operate a single staffing structure providing a smooth transition to becoming a primary school.

6.5. Parents will no longer be required to apply for a place in year 3 at the key stage one to two transfer stage.

7. Diversity Impact Assessment

7.1. A Diversity Impact Assessment (DIA) is attached as Appendix 2. 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.

8. Impact of the proposal on arrangements for looked after children

8.1. 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 Junior Schools.

9. Publication of a statutory notice

9.1. 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 Park Wood 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 February to 22 March 2020. 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".

9.2. The timeline would be:

Period of Statutory Representation	24 February to 22 March 2020
Determination	April 2020
Implementation	1 September 2020

9.3. 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 (Lead Member) and Education and Schools. However, if any formal objections are received during that time then the decision will revert to Cabinet.

10. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
A risk to the future financial viability of 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

11. Financial and legal implications

- 11.1. 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.
- 11.2. 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 satisfies that expectation.
- 11.3. Aside from the cost of the consultation process, approximately £900, there will be no financial implications for the Council during the statutory consultation period.
- 11.4. 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.

- 11.5. 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.
- 11.6. 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 Park Wood 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.
- 11.7. The Council has a statutory duty to provide sufficient good quality school places.

12. Recommendations

- 12.1. The Cabinet is asked to note the responses to the informal consultation together with the advice and analysis from officers and to instruct the Director of People - Children and Adults Services to commence the period of statutory representation for the proposed changes to Park Wood Infant and Junior Schools, as set out in paragraphs 9.1 and 9.2 of the report, when statutory notices and full proposals will be published.
- 12.2. The Cabinet is asked to agree to delegate authority to the Director of People - Children and Adults Services, in consultation with 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.

13. Suggested reasons for decisions

- 13.1. 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
Appendix 3 - Consultation document

Background papers

1) 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

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

3) Medway's School Place Planning Strategy 2018 – 2022

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