



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:	Cabinet Member for Young People and Learning
Date:	20/03/2023
Classification:	General Release
Title:	Decision to publish statutory notice proposing to amalgamate St Stephen's and St Mary Magdalene's Church of England (CE) Primary Schools
Wards Affected:	All
City for All/Policy Context:	Vibrant Communities: Children and young people to have the best start in life, be well cared for and attend excellent schools that promote achievement
Key Decision:	Key Decision (entry made on Forward Plan 17/02/2023)
Financial Summary:	
Report of:	Sarah Newman, Executive Director of Children's Services

1. Executive Summary

- 1.1 The purpose of this report is to seek approval to issue a Statutory Notice proposing to amalgamate St Stephen's and St Mary Magdalene's CE Primary Schools. Amalgamating the two schools as a one form entry CE school will remove one form of entry (30 places a year) from primary provision in Westminster from September 2023 ("the proposal").
- 1.2 The governing bodies of St Stephen's and St Mary Magdalene's CE Primary Schools ("the proposers") conducted a four-week informal consultation on a proposal to amalgamate as one school on the St Mary Magdalene's school site. The governing bodies of both schools met separately on Monday 27th February 2023, discussed and considered in detail the outcome of their consultation responses and notified the Council on Tuesday 28th February 2023 of their recommendation to the Council to proceed with the proposal to amalgamate.
- 1.3. In accordance with statutory guidance [Opening and closing maintained schools](#), the Council is the decision-maker and is responsible for issuing a statutory notice about the amalgamation proposal. This notice will be open for a six-week period (to take account of the Easter break) during which further representations can be made by those already consulted and a wider cohort of interested persons as defined under the Department for Education's (DfE) statutory guidance.
- 1.4. Thereafter, the Local Authority will produce a further Cabinet Member Report detailing the outcome of this six-week representation period in order for the Cabinet Member to make a fully informed final decision on whether to implement the amalgamation proposal with effect from September 2023 or not.

2. Recommendations

- 2.1 To publish a statutory notice proposing to amalgamate St Stephen's and St Mary Magdalene's CE Primary Schools. A notice to publish would entail:
- 2.2 Part 1: Notice in accordance with 15(1) of the Education and Inspection Act 2006 that Westminster Council intends to discontinue St Stephen's CE Primary School on 31 August 2023.
- 2.3 Part 2: That Westminster Council will seek to incorporate pupils from St Stephen's CE Primary School into St Mary Magdalene's CE Primary School to be located on the St Mary Magdalene's school site with a planned Published Admissions Number of 30 pupils from Reception entry September 2023.

3. Reasons for Decision

- 3.1 The impact of falling rolls across the borough and the number of schools in financial deficit present several challenges. It has therefore been necessary to consider making changes to the number of school places available locally to ensure that local authority-maintained schools in Westminster remain viable. Provision that can be well resourced and is of high quality enables schools to continue to thrive and offer the opportunities that children deserve: a strong curriculum with excellent teaching, enriching activities and a joyful experience at primary school. The joining of the schools will provide pupils with a full and enriched curriculum as the school will be fully subscribed and fully funded per pupil. The governors of both schools are clear that now is the right time to move to becoming a single primary school in order to secure sustainable and high-quality education for their children now and into the future.
- 3.2 The two schools do not have enough children to fill two forms of entry from September 2023 with vacancies across all year groups. The average class size at St Stephen's excluding nursery is currently approximately 11 pupils per class, and 19 pupils per class at St Mary Magdalene's. The national average class size for Key Stage One in 2021-22 (including Reception) was 26.7 pupils and the average for Key Stage Two was 27.6.
- 3.3 The informal consultation led by the governing bodies of St Stephen's and St Mary Magdalene's has been carried out in partnership with the Church of England Diocese and in liaison with the local authority. The local authority plays a key role in enabling schools to meet the challenge of ensuring that all children and young people in Westminster achieve the best possible outcomes and can flourish if schools are working in effective partnerships. The local authority also seeks to ensure that steps are taken to address excess surplus capacity in primary schools in Westminster.

4. Background, including Policy Context

- 4.1 Demand for school places is driven by population growth and housing development. Falling birth rates, changing resident demographics and young families migrating out of the borough have resulted in a significant surplus of primary school places across most of the borough.

- 4.2 Westminster Council's Schools' Forum, with the support of the Isos Partnership, have undertaken a high-level review of primary school provision working with its schools and respective diocesan bodies to seek strategies and mitigations to address the current surplus capacity in the primary sector and the financial management of schools that have falling rolls.
- 4.3 As of October 2022, there is a 25.7% surplus in primary school places (2884 are unfilled of 11,186 places). This is significantly higher than the 5% to 10% surplus that local authorities are advised by the Department for Education to operate within. A reasonable surplus allows local authorities to meet their statutory duty to provide sufficient school places, yet still enable parents to have some choice of schools.
- 4.4 Both schools have falling rolls making it more difficult for them to have the financial ability to be sustained in the medium to long term. Both are one form entry but their current entry levels are below 30 children as detailed in 3.2. The number of children entering Reception classes across Westminster dropped by 8% in September 2022 with figures for the forthcoming September 2023 entry at the same level. The surplus capacity at Reception entry that will gradually work through primary year groups in Westminster is approximately 30%.
- 4.5 School Roll Projections (SRP) are carried out annually as local authorities have a statutory responsibility to ensure there is not only a sufficiency of school places, but that there are strategies in place to address excess surplus capacity, particularly if forecasts indicate that demand is not projected to rise. Westminster uses the GLA modelling for its forecasting; data sources are school rolls, births, population and developments and inward/outward migration trends.

5. Options

- 5.1 The most appropriate option that would achieve a one form of entry school without the displacement of pupils is amalgamating the two schools. DfE regulations provide two options for an amalgamation:

Option A: to close both schools and open one new school (no requirement for the new school to be an academy or free school, but the admissions policy would be amended as set out below).

Option B (recommended): to amalgamate two schools by formally closing one of them and retaining the other (sometimes referred to as a merger of the schools)

- 5.2 The agreed way forward with both governing bodies, who led the consultation, is for the amalgamation of both schools, with St Stephen's CE Primary School formally closing at the end of August 2023 and St Mary Magdalene's CE Primary School to be retained as one-form entry school located on the St Mary Magdalene's CE School site. A process of amalgamation enables a better transition for children at both schools and helps ensure that strong educational outcomes continue to be delivered.

6. Financial Implications

- 6.1 If a school discontinues as part of an amalgamation, the deficit remains with the Local Authority, to be funded from its core budget. School deficits are not an allowable charge to the Dedicated Schools Grant (DSG). Technically it would be possible for the Schools' Forum to de-delegate a contingency provision to cover this cost; however, this is not proposed as it would be unlikely to be agreed as it would be funded by local authority maintained schools, who are already expected to continue to fund ongoing school redundancy costs.
- 6.2 St Stephen's deficit stands at £249,000 as of March 2023 and is estimated to be about £400,000 on 31st August 2023, the date of proposed discontinuation (as part of the amalgamation). This estimate will change as costs and income change for example if the school has ongoing contract commitments at the point of closure and more agency staff are needed if permanent staff leave before closure. Contract commitment information is being obtained from the school. Finance will continue to work with the school to monitor their deficit position and identify any necessary mitigating actions should the financial position worsen.
- 6.3 The £400,000 estimated deficit at the point of proposed closure will be charged to the Council's core budget.
- 6.4 The cost of any redundancies can be supported within the DSG as agreed at Schools' Forum (in relation to all maintained school redundancies).

7. Legal Implications

- 7.1 Section 14 of the Education Act 1996 requires local authorities to provide sufficient schools for primary and secondary education in their area. Local authorities also have best value duties in the performance of their functions under the Local Government Act 1999.

- 7.2 The procedure for amalgamating schools is set out in the Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, and the statutory guidance 'Opening and Closing Maintained Schools' (November 2019). The proposals set out in this report comply with the above legislation and guidance. This report is seeking a decision to proceed to the statutory notice stage when representations can be made by the relevant interested parties. These representations will be considered before any final decision is made on this proposal.

8. Carbon Impact

- 8.1 The proposal reduces the carbon impact at St Stephen's which is to be vacated. There will be an increased occupancy at St Mary Magdalene's but this does not have a significant increased demand on energy usage, thereby making this building more efficient in terms of pupil numbers. The Council would assist the Church of England Diocese in any applications for financial support to improve energy efficiency or re-carbonisation. Similarly, the Council is working with St Stephen's to explore possible alternative educational use and, as part of that, would seek to improve the energy efficiency and sustainability of the building.

9. Consultation

- 9.1 The schools' governing bodies have undertaken an initial informal consultation between 16th January 2023 and 10th February 2023. This is **Stage 1** of an amalgamation process.
- 9.2 A consultation document, agreed with the local authority and the Church of England Diocese, was circulated to parents and staff, who were able to consult their unions, and was placed on the school websites to allow for wider community participation. Parent and staff sessions were held at both schools. Frequently asked questions that arose from each meeting were documented with responses, placed on each school's website and made available in hard copy at the parents meeting.

The following meetings have been held:

Preliminary communication and meetings – the Executive Head sent a letter on 4th January 2023 inviting parents and carers to meetings at each school on 11th January 2023 to talk about the future of both schools and ahead of stage 1 of the amalgamation process.

Consultation meetings with parents and carers – these were held

on Monday 23rd January 2023 at 4.30pm and Tuesday 31st January 2023 at St Stephen's Primary School.

Meetings were held on Tuesday 24th January 2023 at 5.00pm and Monday 30th January 2023 at 9am at St Mary Magdalene's Primary School.

St Stephen's parents and carers were also invited to look around the facilities at St Mary Magdalene's on 9th February 2023.

9.3 St Stephen's received 18 responses to the proposal (eight parents, two staff, four governors, one volunteer and three unidentified). None were against the amalgamation; all 18 were in favour. A summary of comments about the amalgamation proposal are as follows:

• Better funding to provide more education and activities for the children.
• The children will continue to be together with their friends and the same teachers.
• It creates more opportunities for the children.
• Important that the children continue in a school with the same mentality.
• It's what both schools need to be able to thrive and survive
• It's the only way to 'save' St Stephen's; it won't be the same but in some ways it might be better.
• It will strengthen both schools in the face of falling rolls and ensure the continuation of both school communities.
• It will be the best way to give the children a properly resourced education.
• 'A number of people in the community have raised a concern with me that there will now be a disproportionately high number of schools north of the Westway, relative to the south. It is not our remit as governors to think about this wider picture, but the Council should be aware of the concern and take a view on it.
• It will provide financial viability for the amalgamated school.

9.4 St Mary Magdalene's received 16 responses to the proposal (six parents, seven staff, one governor and two unidentified). None were against the amalgamation and all 16 were in favour of the proposal. A summary of comments about the amalgamation proposal are as follows:

<ul style="list-style-type: none"> • The school needs to do whatever is necessary to ensure it is able to thrive.
<ul style="list-style-type: none"> • Having a few more children in the class won't affect their learning, it might make it easier because there will be more funding for each class to have a TA.
<ul style="list-style-type: none"> • It secures the future of St MM and the education provided there. My concern is that there is no guarantee that the children from StS will come to StMM so this closure may not result in the hoped-for outcome.
<ul style="list-style-type: none"> • The school will receive more funding which will allow them to offer activities and have more staff. All my questions were answered at the meetings.
<ul style="list-style-type: none"> • More children = more money!
<ul style="list-style-type: none"> • The proposal gives a great opportunity to broaden the children's education and for teachers to have fresh ideas when planning for the children's learning future.
<ul style="list-style-type: none"> • It futureproofs the school.
<ul style="list-style-type: none"> • If both schools are struggling, it makes sense to come together and make the situation better for everyone. I am concerned that it may not go ahead or the StS children will not come over.
<ul style="list-style-type: none"> • Because we need the numbers and truly it is in the best interests of all the children.
<ul style="list-style-type: none"> • Important for the children to continue to have access to the high quality of education that they currently have.

9.5 Details of community engagement and responses to Stage 1 of the consultation process, and those to be consulted at the representation Stage 2&3 were presented to the Quality Improvement Board (QIB) on 17th March 2023. The QIB strives to support with the planning and execution of engagement and consultation activities. The board aims to be a collaborative space, with a range of voices from across the organisation included. The board also aspires to capture learning and best practice to be shared and utilised across the organisation. The QIB are happy with the approach taken to consultation and engagement with some suggestions added which will feed into the next representation stage. Feedback will be provided to the QIB on lessons learnt and outcomes once the consultations is closed.

10. Staffing Implications

10.1 A new staffing structure will need to be developed as part of the planning for September 2023 if a decision to amalgamate the schools is taken. In both schools, staffing changes are already needing to be

made because of falling numbers of children. As part of the Stage 1 consultation, staff were able to consult their unions on the potential impact of the proposal. The exact structure for the future cannot be clear until we know whether the schools are amalgamating and the numbers of children and, therefore, the numbers of staff required.

- 10.2 However, if a decision is made to amalgamate, existing staff at both schools will be consulted on a proposal to create a new staffing structure for the amalgamated school. As part of that process, governors will work with the Local Authority, staff and their unions, and an HR consultant to determine the best ways to manage any changes needed. The Council, Diocese and governors are committed to avoiding compulsory redundancy.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Wendy Anthony, Head of Place Planning and Access Education

APPENDICES

- *Appendix A - Consultation paper on the proposed amalgamation St Stephen's and St Mary Magdalene's CE Primary Schools*
- *Appendix B - Full Statutory Proposal Notice*
- *Appendix C- EIA*

LIST APPENDICES ABOVE BACKGROUND PAPERS

BACKGROUND PAPERS

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member** for Young People and Learning

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____

NAME: **[add Cabinet Member's name]**

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

INSERT REPORT TITLE and reject any alternative options which are referred to but not recommended.

Signed: _____

Cabinet Member for **(add portfolio title)**

Date: _____

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from

publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

Other Implications

- 1. Resources Implications**
- 2. Business Plan Implications**
- 3. Risk Management Implications**
- 4. Health and Wellbeing Impact Assessment including Health and Safety Implications**
- 5. Crime and Disorder Implications**
- 6. Impact on the Environment**
- 7. Equalities Implications – See section 13**
- 8. Staffing Implications – See section 13**
- 9. Human Rights Implications**
- 10. Energy Measure Implications**
- 11. Communications Implications**
- 12. Counter Terrorism and Security Implications – See section 13**

Note to report authors: If there are particularly significant implications in any of the above categories these should be