



City of Westminster

Cabinet Member Report

Meeting or Decision Maker: Cabinet Member for Young People, Learning & Leisure

Date: 20/05/2023

Classification: General Release

Title: Decision report following the six-week formal statutory notice consultation period on a proposal to amalgamate St Stephen's Cathedral and St Mary Magdalene's CE Primary Schools with effect from 1 September 2023

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 14/03/2023)

Financial Summary:

Report of:

Sarah Newman, Executive Director of
Children's Services

1. Executive Summary

- 1.1 This report informs the Council of the outcome of the six-week period of public representation in response to the statutory notice on the proposal for the amalgamation of St Stephen's and St Mary Magdalene's CE Primary Schools. This would create a one form entry school at the St Mary Magdalene's CE Primary site and St Stephen's CE Primary School would discontinue. Children at both schools will have a guaranteed place at the amalgamated school. It recommends for the Cabinet Member for Young People, Learning & Leisure to decide whether or not to formally proceed with plans for the amalgamation that would take effect from the 1st September 2023. St Stephen's CE Primary would therefore close on 31st August 2023.

2. Recommendations

- 2.1 Consider the report and supporting documentation, particularly the statutory notice at Appendix B; the comments and objections raised by the respondents at Appendix C and the Equalities Assessment at Appendix D.
- 2.2 Agree that the school governors will continue to work with the Council to mitigate and reduce the deficit while the school continues to operate. This approach is in line with that reported to Audit and Performance Committee.

Note that, in line with Section 22 of the School Standards and Framework Act 1998 and notwithstanding the efforts to reduce the deficit prior to closure, it is the responsibility of the Council to defray all expenses of maintaining a school and that any school deficit upon closure falls to the Council to be written off.

- 2.3 Agree to proceed with plans for the amalgamation of St Stephen's and St Mary Magdalene's CE Primary Schools to take effect from the 1st September 2023. This will result in the closure of St Stephen's CE Primary School on 31st August 2023. All pupils on the roll of St Stephen's will be accommodated at the amalgamated school St Mary Magdalene's CE Primary School. No pupils will be displaced.

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 so that that we do not have excess surplus primary capacity going forward. 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 the 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 KS1 in 2021-22 (including Reception) was 26.7 pupils and the average for KS2 was 27.6. There are currently 19 confirmed acceptances of offers made for the forthcoming reception entry for both schools.
- 3.3 The 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 Council's Education Partnership Board (EPB). The EPB 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 EPB 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 11186 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.

- 4.5 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.
- 4.6 Offers were made for the forthcoming reception entry on 16th April 2023. The process for reception applications is operated in accordance with the statutory Pan London coordinated scheme and at this time the proposal to amalgamate the schools is in the statutory representation stage, as such both schools remain as options for parents to apply. The notification letter sent to the six parents offered St Stephen's was adapted to include information on the proposed amalgamation and options available to the applicant if the amalgamation is approved, including a guaranteed place at the amalgamated school.
- 4.7 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 regulation provides 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).

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)

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 maintained schools, who are already expected to continue to fund ongoing school redundancy costs.

- 6.2 St Stephen's deficit was £256,000 at the end 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, from the DSG reserves as agreed at Schools' Forum on 18th March 2023 (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' (January 2023). The proposals set out in this report comply with the above legislation and guidance.

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 carried out an initial 4-week consultation between 16th January 2023 and 10th February 2023. This is **Stage 1** of an amalgamation process. A consultation document, agreed with the Local Authority and the Church of England Diocese, was circulated via email, paper versions and placed on the schools' websites. Parent and staff sessions were held at both schools.
- 9.2 The governing bodies of both schools met separately on 27th February 2023 to consider the consultation feedback. The Council were notified on 28th February 2023 of their recommendation to proceed with the proposal to amalgamate. In accordance with statutory guidance [Opening and closing maintained schools](#), the Council is the decision-maker and responsible for issuing a statutory notice about the proposal for a four-week period during which further representations can be made.
- 9.3 The statutory Notice Proposal is **Stage 2** of an amalgamation process. The Notice shown as **Appendix B** was published on 28th March 2023 to run for a six-week period to end on 5th May 2023 (extended from the required 4 weeks to 6 weeks to take account the Easter holiday). A summary analysis of responses is included and attached as **Appendix C**.
- 9.4 In total, the Council received 29 responses during the notice period. Respondents identified themselves as parents and staff from both schools and governors. 27 agreed with the amalgamation proposal and 2 indicated they did not agree.

The Council response is included in the analysis report and presented as follows:

9.4.1 Council response to representations following the Statutory Notice

'The Council acknowledges the genuine support and engagement of parents/carers, staff, governors, local councillors, the local community and educational professionals in response to the six-week statutory representation period and the four-week informal consultation period

led by the governing bodies of both schools.

The response to both the governing body led consultation and the representation statutory notice period has been very much in favour of the amalgamation of the two schools. The summary of responses indicate support from parents, staff and governors in bringing the two school communities together and a clear understanding of the financial and the teaching and learning benefits for the pupils when the two schools come together.

We believe that this amalgamation proposal offers the best opportunity to secure not only the current, but long-term sustainability of high quality primary education to current and future pupils, and is a proposal that provides a guaranteed place at the amalgamated St Mary Magdalene's and St Stephen's Church of England Primary School for all pupils on roll of both schools.

An amalgamated school will also enable greater opportunity for families to be provided with a range of extra-curricular activities and ensure value for money'.

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 - Informal 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 – Summary of representations to the full Statutory Notice*
- *Appendix D – Equality Impact Assessment*

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.