

Forward Plan reference number: FP/784/08/20

Report title: Decision on the proposed amalgamation of St George's Infant School and Nursery and St George's New Town Junior' School	
Report to: Councillor Ray Gooding - Cabinet Member for Education	
Report author: Clare Kershaw, Director, Education	
Date: 15 September 2020	For: Decision
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County Divisions affected: Abbey	

1. Purpose of Report

- 1.1. To report on the outcome of the publication of a Statutory Notice on 13 August 2020 detailing proposals to discontinue St George's Infant School and Nursery (St George's Infant School) on 31 December 2020, and to lower the age range of St George's New Town Junior School (St George's Junior School) to create a primary school and nursery with effect from 1 January 2021.

2. Recommendations

- 2.1. Approve the proposal published in the Statutory Notice dated 13 August 2020 without modification to:
 - 2.1 Discontinue St George's Infant School, with effect from 31 December 2020;
 - 2.2 Lower the age range of St George's Junior School, from 7 years old to 3 years old, to create a community primary school and nursery with 630 places, plus 52 nursery places, with effect from 1 January 2021.

3. Summary of issue

- 3.1. When the position of headteacher became vacant at St George's Infant School in 2019, the governing body considered the range of options available to it in relation to securing the future leadership of the school.
- 3.2. A decision was taken by the governing bodies of both schools to consult on a proposal to amalgamate the two schools, as the governors saw significant advantages in combining the schools into a primary school under the leadership of the headteacher at the junior school to continue to improve standards and performance. This decision was supported by ECC. The proposal consulted on the formal closure of the St George's Infant School on 31 December 2020 and lowering the age range of St George's Junior School from 7 to 3 to become a primary school and nursery from 1 January 2021.

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- 3.3. After the proposal to consult on amalgamation was agreed by the governing bodies, St George's Infant School was rated by Ofsted as inadequate, and the governing body was replaced by an Interim Executive Board (IEB). The IEB supported the proposal to amalgamate the two schools. St George's Junior School is rated good by Ofsted.
- 3.4. In considering the proposal to amalgamate the schools the impact on other local schools has been considered. It is not expected to have any detrimental impact upon other local schools, as the proposal does not change the number of primary phase school places in the area.

Consultation

- 3.5. A consultation on the proposed amalgamation was conducted by ECC with the support of the governing bodies/IEB between 11 June and 9 July 2020. The consultation process was originally started in March 2020, but because of the impact of COVID-19 on schools, both ECC and the schools decided to pause the process.
- 3.6. The outcome of the consultation was considered by the Cabinet Member for Education and a decision was taken on 10 August 2020 to proceed with the publication of a Statutory Notice to effect the amalgamation. The Statutory Notice was published on 13 August 2020, with a closing date for representations to be received of 10 September 2020. No representations were received during this period.

4. Options

- 4.1. **Option 1 - Become an academy:** The governing body of St George's Infant School considered the potential benefits of becoming an academy at the time that the headteacher left in 2019. It was considered preferable for the schools to amalgamate and then to consider academisation at a later date as a primary school if this were to be appropriate. This remains the current position and option 1 is not recommended.
- 4.2. **Option 2 - Do not amalgamate and recruit a headteacher:** Should ECC not amalgamate the schools, St George's Infant School would be required to find a headteacher to replace the interim arrangements which will cease in December 2020. This option is not recommended as the recommended option will secure additional advantages beyond option 2.
- 4.3. **Option 3 Amalgamate the schools (Recommended):** The proposed amalgamation has the support of the governing body of St George's Junior School and the IEB at the St George's Infant School. This option is considered by the governing body to secure significant advantages. Combining the two schools into a primary school under the leadership of the headteacher at the junior school will help to improve standards and performance. This opinion is supported by ECC.

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The responses to the consultation were shared with the governing body and the IEB and both confirmed that they wished to carry on with the amalgamation process. No responses have been received during the notice representation period and the governing body and the IEB remain committed to the amalgamation.

5. Next Steps

- 5.1. If the Cabinet Member decides to agree to the amalgamation, officers will support the schools to prepare for the changes in January 2021.

6. Issues for Consideration

6.1. Financial implications

- 6.1.1 The Department for Education's funding regulations allow transitional financial arrangements to support school amalgamations through the Lump Sum. The infant and junior schools would each get £108,750 and the primary school £72,500 in 2020/21, if the primary school opens on 1st January 2021. In 2021/22 the primary school receives £231,086 and in 2022/23 £126,866. Please note that these figures reflect the current proposals for the Essex Formula to move to the National Funding Formula over the next three years.
- 6.1.2 The School and Early Years Finance (England) Regulations 2020 also permit additional funding for primary schools with formal teaching areas split by a road that would pose a significant hazard for children of this age group. Currently the Essex Formula for Financing Schools includes an allowance of £130 per pupil for primary schools with a split site. If the amalgamation takes place on 1st January 2021, the Primary school would receive 3/12ths of £130 for each pupil on the Infant and Junior School October 2020 census. In 2021-22, and for each subsequent year, the Primary School would receive the full £130 per pupil on the Primary Schools October census. This assumes that split sites remain a permitted formula factor in any future revision of the Regulations.
- 6.1.3 The funding of lump sums and split sites is contained within the resources of the Individual Schools Budget and is funded by the Dedicated Schools Grant (DSG).
- 6.1.4 The agreed staffing structure for the primary school is not expected to incur any significant redundancy costs as the school will have the same number of pupils as the predecessor schools. Any redundancy costs will be funded from the Section 57 Termination Budget which is funded by DSG. There may also be some costs to the school relating to salary protection if grades and roles change in the new structure. These costs would need to be met by the school.
- 6.1.5 St George's Infant and St George's Junior schools both are forecast to be in a surplus position at 31st December 2020. As St George's Infant will close under school funding regulations the surplus balance will transfer to the new primary school.

6.2 Legal Implications

- 6.2.1 Section 15 of the Education and Inspections Act 2006 requires a local authority to publish statutory proposals where it is considering discontinuing/closing a maintained school. Section 16 of the Act requires the local authority to consult such people as they feel to be appropriate and to have regard to guidance published by the Secretary of State, before publishing such proposals.
- 6.2.2 The process for publishing statutory proposals is set out in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Those Regulations only apply to schools maintained by a local authority and not to Academies which are independent of the local authority.
- 6.2.3 As set out in this report, ECC is satisfied that the consultation process is sound and compliant with all legislative and procedural requirements.

7. Equality and Diversity Implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful;
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of Appendices

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9. Background Papers

Decision to publish Statutory Notices

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I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Ray Gooding, Cabinet Member for Education	08.10.20

In consultation with:

Role	Date
Executive Director for Finance and Technology (S151 Officer)	1.10.20
Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	15.9.20
Katie Bray on behalf of Paul Turner	