

REPORT FOR: **CABINET**

Date of Meeting:	21 November 2013
Subject:	Future Organisation of Stanburn First School (4-7 Years) and Stanburn Junior School
Key Decision:	Yes
Responsible Officer:	Catherine Doran, Corporate Director of Children and Families
Portfolio Holder:	Councillor Janet Mote, Portfolio Holder for Children and Schools
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – Considerations about the proposal in relation to the Decision Makers Guidance Appendix B – Stanburn First School representation Appendix C – Stanburn Junior School representation

Section 1 – Summary and Recommendations

Statutory proposals were published in September 2013 that would effect the amalgamation of Stanburn First School (4-7 Years) and Stanburn Junior School. Cabinet approval is sought to enable the two schools to combine in January 2014.

Recommendations:

Cabinet is requested to determine the statutory proposals in relation to Stanburn First School (4-7 Years) and Stanburn Junior School to enable the amalgamation of the two schools in January 2014, namely to:

- Extend the age range of Stanburn First School (4-7 Years) to establish a primary school with an age range of 4 years (reception) to 11 years (year 6) from 1 January 2014;
- Expand the capacity of Stanburn First School (4-7 Years) from 1 January 2014; and
- Discontinue Stanburn Junior School on 31 December 2013.

Reason: (For recommendation)

In line with the Council's amalgamation policy, combining the two schools would give the opportunity to further improve educational standards by enabling planning as a coherent whole across the primary phase of the national curriculum. It would also provide a greater flexibility across and between key stages. Access to the whole primary curriculum supports and informs whole school planning, assessment, pastoral systems etc., and provides opportunities for wider staff development and experience across the full primary phase.

Section 2 – Report

Introduction

1. Harrow's vision is to provide high achieving schools at the centre of community services, and to continue improvement in schools to make education in Harrow even better. In order to further this vision, in October 2007 Cabinet agreed it's strategic approach to school organisation, which incorporated the amalgamation policy.
2. The Amalgamation Policy applies to separate infant and junior schools and was agreed initially in February 2005. The policy subsequently has been revised and up-dated and was confirmed by Cabinet in July 2013. Since 2006, 22 community schools have amalgamated to form 11 combined primary schools.
3. The Amalgamation Policy requires the Governing Bodies of separate infant and junior schools to amalgamate the two schools when trigger circumstances arise, unless there are compelling and over-riding reasons not to. One of the triggers is when a headteacher vacancy arises in either or both schools.
4. There are two key statutory stages to the processes leading to a decision to amalgamate two schools:
 1. Statutory consultation, following which a decision is made whether to proceed to the next statutory stage of publishing statutory proposals;
 2. Publication of statutory proposals, which is followed by a 6 week representation period.

Background

5. The Headteacher of Stanburn Junior School retired at the end of August 2013. When the Headteacher's intention to retire was known during the Autumn Term 2012, the governing bodies of the two schools commenced the process to amalgamate the two schools in accordance with the Council's Amalgamation Policy. They agreed to set up a Representative Joint Steering Group with governing body representatives from both schools to plan the consultation activity with the school communities.
6. The Representative Joint Steering Group, met twice in January to agree the arrangements for consulting the school communities. Two meetings of the Joint Steering Group, held on 7 January 2013 and 15 January 2013, planned the consultation process for a proposed amalgamation date at that time of September 2013. A proposal evaluation document, a consultation paper, a response form and a cover letter were prepared.
7. The statutory consultation was held from Monday 21 January 2013 until Friday 15 February 2013. On 21 January 2013, the consultation paper was sent by the two schools to all parents, members of staff and governors. Harrow Council sent the consultation to interested parties in accordance with the Department for Education School Organisation and Competitions Unit guidance. Three open consultation meetings for parents, staff and governors of both schools were held. Two were held on 30 January at 9.00am and 2.15pm and one on 31 January 2013 at 7.30 pm, to enable discussion. Council officers attended these consultation meetings to present information and answer questions. The proposal evaluation document was made available from the school offices, school websites, Harrow Council website and was available at the open consultation meetings.
8. The consultation elicited the highest number of responses from all of the amalgamation consultations carried out under the Council's amalgamation policy. This response rate reflected the high level of concern, confusion and feelings generated within the school communities during the process. In relation to this, it should be noted that Stanburn Junior School Governing body sought opinions from parents by 4 January 2013 on three potential options about the future of Stanburn Junior School: Amalgamation; Federation and Academy status.
9. The Representative Joint Steering Group considered the outcome of the consultation at its meeting on 26 February 2013. The group noted that the information received may not give an accurate picture because of possible duplication of forms and concern that signatures were being sought in the playgrounds. To assist the group, themes from the consultation responses were prepared with examples of the comments written by those in support and those not in support of the proposals.
10. The Representative Joint Steering Group reflected on the high level of responses, with almost two thirds of respondents not in support of combining the two schools, and the concern that relationships between the schools may have been damaged by the consultation processes. The group suggested the two Chairs of Governors meet following discussion with their governing bodies to see if they can reach a mutual agreement or an acceptable alternative to amalgamation.

11. The Amalgamation Policy requests that the governing bodies of the schools make written recommendations to the Council following the consultation period. The Governing Body of Stanburn First School met on 28 February 2013 and voted for the two schools to be amalgamated with effect from September 2013. The Governing Body strongly felt that this is an outstanding school, with outstanding facilities, resources, staff and, of course, results. Likewise the Junior School has received an 'Outstanding' rating by OFSTED. The Governing Body could, therefore, see no detriment being caused to either school, or the wider community, by amalgamating the two schools into a new all-through primary school. The Governing Body acknowledged the need for both schools to have a productive working relationship as the schools share not only a site, but a building. This is essential for the good of the social and emotional well being of the staff, students and parents of both schools, and ultimately to continue with the outstanding academic progression for the students.
12. The Governing Body of Stanburn Junior School met on Wednesday 27 February 2013 and decided it did not support the proposed amalgamation and would work to seek an alternative outcome for the school. The Governing Body of Stanburn Junior School believed that its future was best served by remaining as a separate school. As a result it passed a resolution to seek Academy Status. Comment was made that the consultation results showed that a clear majority opposed the amalgamation and from the parents this view was common across both school communities as well as in the responses from parents who have children in both schools.

Next steps considerations

13. Following the outcomes of the consultation and the opposing views of the two Governing Bodies, the Council deferred its decision about whether to publish statutory proposals to allow issues to be reconsidered. Both the Corporate Director and the Portfolio Holder were clear that the proposed expansion would be reconsidered if there was continued parental opposition from the parents of both schools. Council officers met with the two Chairs of Governors to consider the next steps for moving forward. This was in accordance with the Joint Representative Steering Group suggestion that the two Chairs of Governors meet following discussion with their governing bodies to see if they can reach a mutual agreement or an acceptable alternative to amalgamation and to allow time for the schools to consider other options.
14. The meetings with the Chairs of Governors were constructive and helpful and included discussion about a number of issues. These issues included the consultation process, the consultation responses, leadership and governor changes since the consultation that would happen within the Junior School, the position in September, academy status and the need to rebuild the relationship between the two schools. The Local Authority confirmed its amalgamation policy position of a preferred model of combined schools.
15. There was in principle agreement around a number of themes including: the need to rebuild the relationship between the two school communities, acknowledgement that the Local Authority Amalgamation Policy was unlikely to change and the triggers would apply in future (and therefore to the Stanburn schools at some future point), and the need to secure the future leadership arrangements in the Junior School.

16. In line with the Council's Amalgamation Policy, it was proposed that the two schools combine, in a timescale that allows further work to be undertaken on what a combined Stanburn School would look like, and the journey to achieving this status. The proposed timescale would be for the amalgamation to be effective from 1 January 2014. To achieve this, it was proposed, subject to the agreement from both governing bodies, that a Task and Finish Group with representatives from both schools be established to consider what a combined school would be like and the journey to achieving a combined school.
17. Agreement was reached with the schools for a Task and Finish Group of 5 representatives from each governing body, including parent governors, to meet and report on its work to the governing bodies. The Task and Finish Group met for the first time on 11 July and had open discussions following context setting by officers. Questions were raised by the representative governors that officers responded to, and a range of points were discussed. These included clarification of the governance and leadership arrangements of the combined school and communications with parents. The group decided it would continue to work together next term to facilitate processes towards amalgamation and to work with both governing bodies.
18. Stanburn Junior School Governing Body held an extraordinary meeting on 15 July 2013 and discussed feedback from the Task and Finish Group meeting. The Governing Body decided to support the move to amalgamation and agreed to fully engage in the process. This decision was taken after a great deal of discussion and the vote to support the resolution was not carried unanimously. The general feeling of the governors present at the meeting and who voted for the amalgamation was that they were faced with no real alternative, as Harrow Council's Policy offered the Governing Body no viable options. The Governing Body having evaluated Academy Status, as an alternative, had to reject this as unsustainable due to the financial requirements. Also, having researched becoming a Federated School, the general consensus was that this would only delay the inevitable, resulting in further instability and disquiet. All governors, including those who voted against the proposition, agreed to fully engage in the process. It was the feeling of those present that they had a responsibility to the pupils, the staff and the parents to ensure the process was carried forward to a successful conclusion. Stanburn Junior School Governors would carry on with their role as members of the Task and Finish Group to formulate and make recommendations to the Governing Bodies of the two schools working to agreed guiding principles of collaborative working by the two Governing Bodies in order to garner the widest possible consensus.
19. Following the Task and Finish Group meeting on 11 July, Stanburn First School Governing Body wrote to Harrow Council on 17 July 2013 affirming its support for the amalgamation of the two schools.
20. A letter was sent at the end of the summer term by the Task and Finish Group to the schools' communities to keep them up-to-date with the proposed amalgamation and to clarify some of the points raised in the consultation.

Portfolio Holder decision

21. In order to achieve the proposed timescale for a final decision to be made that would enable amalgamation on 1 January 2014, a Portfolio Holder decision was made on 29 July 2013 to publish statutory proposals. In making this decision, the Portfolio Holder considered the outcome of the statutory consultation and the

recommendations of the two governing bodies. In accordance with usual practice in implementing the policy, Stanburn Junior School was proposed to be legally discontinued because there was no substantive headteacher in post at that school.

22. The Task and Finish Group has continued to meet during the autumn term and is working constructively and effectively on the issues towards combining the two schools informed by the comments made by respondents to the statutory consultation.

Statutory Consultation

23. Statutory consultation is the first key statutory stage to the processes leading to a decision to amalgamate two schools. The statutory consultation was held from Monday 21 January 2013 until Friday 15 February 2013. This consultation met the requirements of the Department for Education School Organisation and Competitions Unit guidance on closing, expanding and making changes to schools.

24. The detail of the consultation results are contained in Appendix A. However the below summarises the main themes and the officer response to these:

Main themes	Examples of comments made for and against
Buildings	Building work is disruptive, both for expansion and amalgamation. Better to manage as one site.
<p><u>Officer response:</u> The infant school has been permanently expanded from September 2013 to become a four form entry school and the junior school will expand in September 2014. Site feasibility studies for the works considered the impact of the required building works on the operation of the schools and would do so for any building works following amalgamation. The build of the new classroom block has been completed.</p> <p>There are benefits of being able to plan for the increased size of the schools by considering the site holistically and as one school site.</p>	
Pupils	There are different pupil needs in the two schools. Amalgamation is not in the interests of the children. Concerns about playground safety and bullying.
<p><u>Officer response:</u> Harrow Council's preferred model of organisation for primary phased schools is a combined school for educational and other reasons set out in the Amalgamation Policy.</p> <p>Greater opportunities are created for older children to take on responsibility. For younger children the presence of older children provides aspirational role models and also mentoring support.</p> <p>Appropriate organisation and management of playground use by the school will ensure playground safety.</p>	
School size	When fully expanded the combined school would have 840 pupils. The combined school would be too large and impersonal. Unable to have whole school events.
<p><u>Officer response:</u> There is experience of larger primary schools working effectively and the Council is prepared to support any new leadership team on how to manage practical and organisational issues around the increased size of the school.</p>	

Leadership	Two headteachers is better. Preference was expressed for/against individuals to be headteacher. Comments were made about management style. Too much responsibility for one headteacher.
<p><u>Officer response:</u> Since the time of the statutory consultation there have been further changes in the senior staff of Stanburn Junior School. As well as the headteacher, two deputy headteachers have left. The governors of the two schools have put in place interim leadership arrangements.</p> <p>The Task and Finish Group have been considering future governance and leadership arrangements for a combined school in order to reach a collective view in preparation for amalgamation.</p> <p>There are examples in Harrow of executive headteacher arrangements and also of federated primary schools managed by one headteacher in an effective and positive manner (Heathland Whitefriars Federation).</p>	
Budget	There would be reduced funding for a combined school. It is cost effective to be organised as one school.
<p><u>Officer response:</u> Though the Government's new funding formula results in the loss of one element of 'lump sum' funding, newly combined schools are now allowed to keep 85% of the 2 lump sums for the first year of the merger. Also, governing bodies have experience of managing changes in budgets and it would only put the combined school in the same position as existing all-through primary schools.</p> <p>There would be reductions in expenditure through having one headteacher post and the Governing Body of the combined school could make decisions that would achieve efficiencies. No other elements of the school budgets would change.</p>	
Transition	Positive for pupils to make the move up to junior school. Children would benefit from continuity through to 11 years of age. Transition works currently.
<p><u>Officer response:</u> Reducing the number of changes for children in a school system strengthens continuity and progression for children and families in the primary phase, both in terms of the curriculum and pastoral experience. Improvements in the children's educational experience may result, as there will no longer be a transfer between schools at age seven, and a wider range of teaching and support staff will be available across the combined school.</p>	
Standards	Education standards will drop. Amalgamation will put outstanding standards at risk and will affect the learning environment. There would be a more cohesive curriculum.
<p><u>Officer response:</u> There is no evidence that educational standards will drop in combined primary schools. The Ofsted inspection outcomes on the 11 combined schools formed following amalgamations since 2006 are as follows: 5 Outstanding; 3 Good; 3 have not been inspected yet as a combined school. The Leadership Team and Governing Body would work to ensure that standards remain high in the combined school by building on many aspects of the existing good practice in both schools.</p>	
Staffing	Staff will leave if the schools combine. A combined school would aid professional development.
<p><u>Officer response:</u> There can be opportunities for staff in a larger all through</p>	

primary school including potential possibilities to move between the infant and junior years and into senior teaching positions. This can also provide staff with experience to enable them to move into more senior positions in other schools.	
Academy school status	Comments were made preferring / against academy school status.
<u>Officer response:</u> The Junior School Governing Body considered the option around academy school status and have decided that this is not a feasible option at this time. It is the decision of the Governing Body of a school as to whether to apply for conversion to become an academy school.	
No change	Keep schools separate / distinct. They are outstanding schools as they are. Don't change something that works. No need to make changes.
<u>Officer response:</u> The Council has successfully amalgamated 22 infant / junior schools and there are many examples of good and outstanding primary schools. The Council's principle is that the Governing Body of a combined school should be representative of both previously existing schools and use the expertise of governors from all phases.	
Process	Not enough information. Not given all the options. The consultation was rushed. The decision has already been made.
<u>Officer response:</u> Following the views and strength of feeling from the statutory consultation, the timescale for decision making was lengthened to give both governing bodies time to consider options and to work together on possible ways forward. A detailed Proposal Evaluation Document was prepared and open consultation meetings were held to ensure sufficient information was available for the consultation. The consultation met the statutory timeframe and the high level of responses indicated that people had ample opportunity to respond. Except for responses from the two governing bodies, no further responses have been received during the 6 week representation period following the publication of the statutory proposals.	
Ethos / Community spirit	Maintain separate ethos as two schools. A combined school would feel more like a community.
<u>Officer response:</u> The schools have differing individual strengths and ethos and the implementation work taken forward by the Task and Finish Group and Governing Body would recognise what is good in each school to build an even better school for the children.	

Statutory proposals

25. The publication of statutory proposals is the second key statutory stage to the processes leading to a decision to amalgamate two schools. Linked statutory proposals were published on 5 September 2013 with a statutory representation period of 6 weeks that, if approved, would effect the amalgamation of Stanburn First School (4-7 Years) and Stanburn Junior School to provide an all through primary school.
- a. A prescribed alteration to extend the age range of Stanburn First School (4-7 Years) to establish a primary school with an age range of 4 years (Reception) to 11 years (year 6) from 1 January 2014;
 - b. A prescribed alteration to expand the capacity of Stanburn First School (4-7 Years) from 1 January 2014;
 - c. A notice to discontinue Stanburn Junior School on 31 December 2013.

Representations made to the published statutory proposals

26. The Local Authority received two representations during the representation period from the two governing bodies who both support the amalgamation of the first and junior schools. These representations are appended in full to this report. No other representations were received including none from parents of the two schools.

Options considered

27. Cabinet have the following options when considering these proposals;

- a. Reject the proposals;
- b. Approve the proposals;
- c. Approve the proposals with modification e.g. in relation to the implementation date;
- d. Approve the proposals subject to meeting a separate condition.

28. There are separate proposals for the two schools, however these are linked and the proposals should be considered together.

Determination of statutory proposals

29. In its role as the Decision Maker, Cabinet must have regard to the statutory and non-statutory guidance, provided by the Department for Education, when determining statutory proposals. The guidance on expanding a maintained school by enlargement, making changes to a maintained mainstream school, closing a maintained mainstream school and giving children and young people a say have been provided to all Cabinet Members, and are available as background papers. Appendix A provides Cabinet with commentary on the salient points contained in the Decision Makers' Guidance.

Recommendation

30. The Corporate Director of Children and Families Services recommends that Cabinet approve the proposals to effect the amalgamation of the two schools with effect from 1 January 2014.

31. In line with the Council's Amalgamation Policy, combining the two schools would give the opportunity to further improve educational standards by enabling planning as a coherent whole across the primary phase of the national curriculum. It will provide a greater flexibility across and between key stages. Access to the whole primary curriculum supports and informs whole school planning, assessment, pastoral systems etc. and provides opportunities for wider staff development and experience across the full primary phase.

32. The governing bodies and the senior leadership teams of the schools have worked effectively to address the range of issues that have arisen during the statutory processes and are to be commended on their constructive collaborative approach which would bode well for the future of a combined school.

Legal implications

33. The Local Authority has a statutory entitlement under Sections 15 and 19 of the Education and Inspections Act 2006, to issue statutory proposals in respect of school reorganisation. The statutory proposals were published on 5 September 2013 following the decision made by the Portfolio Holder on 29 July 2013. Cabinet must determine the proposals within two months of the representation period, which ended on 17 October 2013, or the matter is referred to the Office

of the Schools Adjudicator for determination. Cabinet must have regard to the Secretary of State's guidance when reaching its decision, and should consider the representations received during the course of the publication period when making their decision.

34. The Decision Makers Guidance states that whilst each case should be considered on its merits, there is a presumption in favour of approval for infant/junior school amalgamations.

Financial implications

35. The Governing Body and Leadership Team of a combined school would have to plan strategically in a cost effective manner in the best interests of the children in order to achieve positive outcomes for the children in the long term.
36. The Government has introduced significant changes to school funding and is moving towards a national funding formula. Under the Government's new funding formula the combining of two schools would result in the loss of one element of 'lump sum' funding allocated to schools. In 2013/14 the lump sum amount is £154,230. The Government has recently announced that the formula for 2014/15 is changing and that if two schools merge they are now allowed to keep 85% of the 2 lump sums for the first year of the merger. If lump sum funding is retained by the Government, one lump sum would be lost after the first year of the merger for each year going forward. Though this is a significant issue it may be considered that governing bodies have experience of managing changes in budgets and it would only put the combined school in the same position as existing all-through primary schools. There would be reductions in expenditure through having one Headteacher post and the Governing Body of the combined school could make decisions that would achieve efficiencies. No other elements of the school budgets would change.

Performance Issues

37. Schools in Harrow perform well in comparison to national and statistically similar local authorities. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding'. Stanburn First School (4-7 Years) achieved an 'outstanding' judgement at its Ofsted inspection in October 2009. Stanburn Junior School achieved a 'good' judgement at its Ofsted inspection in April 2013.
38. Stanburn Junior School's 2012 Key Stage 2 results at level 4 or above in English and Maths were above both the Harrow and national averages. However the English Expected Progress and Maths Expected Progress were both below the Harrow and national averages.

2012 Key Stage 2	English & Maths L4+	English Expected Progress	Maths Expected Progress
Stanburn Junior	89%	86%	84%
Harrow	83%	91%	90%
National	79%	89%	87%

39. The Schools White Paper and Education Act 2011 maintain a focus on driving up standards in schools and place more of the responsibility with the schools directly for their improvement. The role of the Local Authority in measuring performance and driving improvement has changed significantly and is reduced from its previous level. However, the Local Authority maintains a strategic

oversight and enabling role in local education, and is likely to retain some role in monitoring educational achievement and key measures such as exclusions and absence. The Local Authority is also statutorily responsible for supporting and improving underperforming schools.

40. The Local Authority continues to monitor key education indicators. The indicators are used locally to monitor, improve and support education at both school and local authority level; they are also used within information provided to the DFE.

The indicators fall within the following areas:

- Attendance and exclusions - remain a statutory duty for the Local Authority to monitor and improve;
- Underperforming schools - schools are assessed at Key Stage 2 & Key Stage 4 against defined floor standards;
- Narrowing the Gap - is a fundamental part of Ofsted's school inspection process, and accordingly the Local Authority monitors the attainment of identified groups of pupils in its schools. The table below includes the gap at key stage 2 between pupils eligible for free school meals and their peers and the gap between Harrow's SEN children and their peers - children with a SEN provision include School Action, School Action Plus or a Statement.

2012 Key Stage 2 - Narrowing the Gap	Harrow	National
Achievement gap between pupils eligible for free school meals and their peers, based on pupils achieving level 4 or above in both English and mathematics at Key Stage 2.	16%	17%
Achievement gap between pupils with special educational needs and their peers, based on pupils achieving level 4 or above in both English and mathematics at Key Stage 2.	44%	49%

Environmental Impact

41. There is no significant environmental impact arising from these proposals.

Risk Management Implications

42. A summary of high level risks is provided below.

High Level Risks	Consequences	Mitigating/Control Actions
Challenge to decision making.	Delay.	The Decision Maker must have due regard to the Secretary of State's guidance for decision makers in reaching its decisions on school reorganisation proposals.
Clarification of the Council's Amalgamation Policy.	Confusion for stakeholders.	In response to issues raised by the DCSF in regard to the Amalgamation Policy, and a corporate complaint investigation relating to a school involved in a school reorganisation process, Cabinet agreed a clarified policy at its October 2008 meeting. Cabinet approved a revised and updated Amalgamation Policy in July 2013. These clarifications, revisions and updates have not changed the policy requirements.

Equalities implications

43. The equality impact assessment indicates that the equalities impact of Cabinet's decision will be effectively neutral. No child would be displaced if the schools amalgamate nor if they were to stay separate. Harrow's community schools are inclusive schools and this would continue in a combined school. The proposal is intended to build on the many positives already in place at the schools. In an all through school, there may be benefits for pupils with special educational needs as the amalgamation might help to alleviate issues of transition as it could provide continuous support for pupils and a common set of school rules and processes.

Corporate Priorities

44. This report incorporates the administration's priority to deliver a cleaner, safer and fairer Harrow by providing opportunities to enhance educational standards and to further promote positive community outcomes by ensuring the most effective and coordinated extended services support to families and children, and the use of school facilities.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 22 October 2013		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 28 October 2013		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 24 October 2013		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental Services)

Date: 22 October 2013

Section 6 - Contact Details and Background Papers

Contact: Chris Melly, Senior Professional, Education Strategy and School Organisation 020 8420 9270 chris.melly@harrow.gov.uk

Background Papers:

Portfolio Holder Decision Report 29 July 2013 - Future Organisation of Stanburn First School (4-7 Years) and Stanburn Junior School

Equality Impact Assessment.

Department for Education School Organisation and Competitions Unit guidance for decision makers

<http://www.education.gov.uk/schools/leadership/schoolorganisation>

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]