

Considerations about the proposal in relation to the Decision-Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals to Cabinet for determination. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations, to the Office of the Schools Adjudicator for decision. This two month period will end on 2 April 2015.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. New school organisation regulations and associated guidance came into force on 28 January 2014. The guidance documents are available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

The document 'Annex B: Guidance for Decision-makers' sets out some the factors that decision-makers should consider when deciding a proposal. These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

The format of this Appendix follows the framework of the Annex B guidance.

- The headings and text in italics at the start of each section contains extracts from the guidance that are directly relevant to the statutory proposals to assist Members to understand the factors to be considered.
- The text beneath the extracts in each section contains officer comment in relation to the factors.

Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all objections to and comments on the proposal.

Consultation about the proposal to combine Whitchurch First School and Nursery and Whitchurch Junior School was conducted from Monday 3 November to Friday 12 December 2014. The consultation responses and outcomes (see 'Views submitted' section below) were reported to the Portfolio Holder for Children, Schools and Young People on 18 December 2014 when making the decision to publish statutory proposals.

Statutory proposals to combine Whitchurch First School and Nursery and Whitchurch Junior School were published on 5 January 2015 for a four week representation period which closed on 2 February 2015. In order to make the nature of the proposals explicit and clear for all stakeholders, the brief notice and the full proposals stated as full information as possible. It is considered that all necessary information was provided and made available for stakeholders and interested parties to see.

The brief notice and full proposals were developed with close reference to the Government guidance. It is considered that the published brief notice and full proposals comply with the statutory requirements.

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

Quality of schools

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' by OfSTED. As at October 2014, 87% of Harrow's primary and secondary schools are judged 'good' or 'outstanding', compared to 85% in London and 80% nationally (Source: Ofsted Data View).

Diversity of schools

There is a range of schools in Harrow offering diversity to parents both in terms of ethos and size. Harrow has a Church of England primary school, a Hindu primary school, a Jewish primary school, six Roman Catholic primary schools and two Roman Catholic high schools. Primary sector schools are organised as separate and combined infant and junior schools and have a range of planned admission numbers from one to four forms of entry.

Harrow is committed to securing greater autonomy, flexibility and scope for schools to drive their own agendas within a collaborative whole-borough framework. Harrow's success in this approach is demonstrated through the Harrow School Improvement Partnership and the Harrow Collegiate.

The community of Harrow schools has a tradition of collaboration and cooperation and is confident to develop and embrace innovative solutions. Within this context the local authority, in partnership with schools, will continue to explore routes that provide creative and innovative solutions for challenges faced by individual schools and groups of schools, and provide a means to secure school improvement.

Two primary schools established an academy trust to drive improvements in education attainment. Another primary school joined an academy trust with a high school.

Aspirations of parents

The Council's amalgamation policy contributes to maintaining and improving the educational performance of Harrow schools and their pupils. The Amalgamation Policy was agreed initially in February 2005. The policy subsequently has been revised and up-dated and was confirmed by Cabinet in July 2013.

Whitchurch schools proposals

Parents and stakeholders have had the opportunity to contribute and shape the proposals for the Whitchurch schools.

The statutory consultation was held from Monday 3 November 2014 until Friday 12 December 2014. Of the 60 written responses to the consultation received from parents, staff and governors, 47 (78.3%) support the proposal. The consultation responses and outcomes are summarised in the 'Views submitted' section below.

The local authority received no representations during the representation period which ended on 2 February 2015.

Raise local standards and narrow attainment gaps

The amalgamation policy is based on an educational rationale that will contribute to school improvement.

Closing 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.

Government policy on academies

The Government's policy on academies is not directly applicable to this amalgamation proposal. The proposal does not create a new school which is when the 'academy presumption' applies. The governing bodies of schools are at liberty to consider conversion to academy school status regardless of whether the school is combined or not.

Demand

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

The Whitchurch schools are already approved for expansion from September 2015. If it is decided to amalgamate the schools, the combined school would expand to four forms of entry from September 2015 and would fill incrementally over a 7 year period.

Full information about the projected demand for school places and the planning to increase school places across Harrow can be viewed in the 17 July 2014 Cabinet papers (item 21 School Expansion Programme Appendix B) at

<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=62354&Ver=4>

School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

A combined Whitchurch school would have the same number of pupil places as the separate schools. It has already been decided that the separate schools would expand permanently to become four forms of entry schools starting in September 2015, and this would continue to be the case for the combined school. When the school is full there would be 840 pupils plus

nursery. Under these amalgamation proposals, the planned admission number at Reception would be four forms (120 pupils). (Note: Whitchurch First School admitted an additional 30 pupils into Reception in September 2014 to help meet the increased demand for school places across Harrow in advance of the permanent expansion, so the combined school would be full in September 2020).

If approved a combined Whitchurch school would be one of four, four forms of entry all-through primary schools in Harrow. There are also three separate pairs of four forms of entry infant and junior schools. The key educational factors identified by Harrow Council in its case for combining schools do not relate to the size of the schools as such. The quality of education is more important than the type of structure it is provided in. It is considered that through-schools can operate with many additional advantages, as described in the amalgamation policy, that benefit pupils, staff and parents.

Proposed admission arrangements (including post-16 provision)

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admissions authority should be given the opportunity to revise them.

No changes to admission arrangements arise from these proposals. Whitchurch First School and Nursery and Whitchurch Junior School are community schools that draw pupils from their local area. The admission arrangements of the schools are compliant with the School Admissions Code and would remain so as a combined school.

No changes to post-16 provision arise from the proposals.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

Whitchurch First School and Nursery and Whitchurch Junior School follow the National Curriculum and no changes to this arise from these proposals.

Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- *eliminate discrimination;*
- *advance equality of opportunity; and*
- *foster good relations.*

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access

to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Equalities Impact Assessment has been undertaken on the proposal to combine Whitchurch First School and Nursery and Whitchurch Junior School. The equality impact assessment indicates that the equalities impact of Cabinet's decision will be effectively neutral. The assessment has not identified any potential for unlawful conduct or disproportionate impact and concludes that all opportunities to advance equality are being addressed.

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.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

These are community schools which draw pupils from their local area and the pupil profiles reflect the ethnicity of their area. The October 2014 School Census demonstrates that the schools have an ethnically diverse pupil population.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

There would be no change to travel or transport arrangements arising from this amalgamation proposal because all the pupils attending the schools at the time of implementation would transfer to the combined school.

The combined school would build on the existing community use and extended school activities. Potential use of the school site by the community could be enhanced by the ability to plan for one school rather than two separate schools.

Capital

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

There are agreed construction plans for the expansion of the Whitchurch schools and there would need to be some additional works to support the operation of a combined school. If possible, once the requirements have been agreed, these works would be incorporated into the planned expansion building works for completion by September 2015. Where schools are based on the same site economies of scale may arise following the combining of the two schools, for example as a result of being able to have a combined school office. Harrow Council's Schools Capital team would work with the Headteacher and Governing Body to agree the changes to accommodation that would be required.

School premises and playing fields

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

The Whitchurch schools are already approved for expansion. Government regulations and guidelines are considered when undertaking the design work to accommodate the additional pupils. Full consideration is given to suitable outdoor and indoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Closure proposals (under s15 EIA 2016)

The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

The proposed legal closure of Whitchurch First School and Nursery is to effect the amalgamation of the two Whitchurch schools and does not displace any pupils. All the pupils attending the schools at the time of amalgamation would transfer to the combined school. The combined school would have the same number of pupils overall as the two separate schools.

Schools causing concern

For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. Decision-makers should have regard

to the length of time the school has been in special measures, requiring improvement or otherwise causing concern. The decision-maker should also have regard to the progress the school has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There is a presumption that these proposals should be approved, subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.

This section of the Department for Education Guidance for Decision-makers is written on the premise that a school may be closed for because it has been made subject to special measures. This is not applicable to these proposals. Harrow Council's Amalgamation Policy is being implemented and the proposal to discontinue Whitchurch First School and Nursery has been triggered by the resignation of the headteacher.

Community Services

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

Harrow's schools view themselves as serving their local communities and the amalgamation proposal would not change this.

An all through school would ensure the most effective and coordinated use of school facilities and extended services support to families and children.

Views submitted during the expansion consultation

The statutory consultation was held from Monday 3 November 2014 until Friday 12 December 2014. Officers attended open consultation meetings during the consultation period at the schools about the amalgamation proposal to give a presentation and answer questions. The consultation paper was sent to all parents, members of staff and governors. The proposal evaluation document was made available from the school offices and Harrow Council website, and was available at the parents meetings.

Consultation responses

60 written responses to the consultation were received from parents, staff, governors and other interested stakeholders:

- Whitchurch First School received 39 written responses - 31 support combining the two schools, 2 do not support combining the two schools and 6 respondents are not sure;
- Whitchurch Junior School received 21 written responses - 16 support combining the two schools and 5 respondents are not sure.

A number of comments were included with the responses and the four main themes are given in the headings below together with officer response to the themes.

Leadership and Management

The post of Headteacher for the combined school would be ring fenced to the substantive Headteacher. A process would be developed to satisfy the governing body that the post holder has suitable qualifications, experience and ability to undertake the role. The Interim Executive

Board and the governors of the Junior school are very mindful of the need to secure the leadership of a combined school, if agreed, and a timeline would be agreed with Harrow Council accordingly.

A review of the staffing structure for the combined school would follow confirmation of the appointment of a Headteacher. This review would ensure there are appropriate leadership and management structures and arrangements in place.

Cost effectiveness; Sharing policies; Practical implications of a merger; Implementation/operation of the school

Detailed guidance has been developed to support the amalgamation policy, which includes details of the activities for the implementation stage of the process with notes, indicative timescales and template document for an Implementation Plan. Officers would support the school governors and senior leadership with the implementation work.

There are two phases to the Amalgamation Implementation Plan. Those actions that have to be completed prior to the date of the amalgamation, for example confirming the leadership of the all through school and planning to reconstitute the governing body. Other aspects of the Implementation Plan would take place over a longer timescale. For example, building works and appointments to the combined school staffing structure.

Harrow Council is keen that a school's governing body is representative of its community. Schools that have combined in Harrow have usually followed a model in which governors have resigned in order to allow elections across both previously existing schools. This is an important action. It acknowledges and values the experience and expertise of the governors that have contributed to the success of the school that is technically closed. It demonstrates the commitment to build and develop the best practice across both schools. The implementation working group would draft an instrument of governance for the governing body of the combined school, and a timeline would be agreed for any elections and appointments to the re-constituted governing body.

Transition and continuity; Consistency and Shared ethos; Support for parents and children; Good teachers; How will it affect the children; Is it beneficial to the children's education; Maintaining standards

The amalgamation policy is based on an educational rationale that will contribute to school improvement. The potential benefits are set out in the policy and include:

- organisational structure is aligned with the National Curriculum Key Stages. Planning across Foundation, Key Stages 1 and 2 as a coherent whole for the primary phase provides greater flexibility across and between the Key Stages;
- teachers and classroom staff have access to the whole primary curriculum. This supports and informs whole school planning, assessment, pastoral systems, etc, and provides opportunities for wider staff development and experience across the full primary phase;
- more consistency between year groups and key stages in learning, planning and assessment;
- improved use of teachers' skills, specialist teaching and improved pastoral arrangements.

Staff changes impact on jobs, etc

During the consultation the Executive Headteacher stressed that following amalgamation the first need would be to consolidate and for there to be stability for the foreseeable future. It is important to retain teachers and other staff, build skills and develop teaching.

The combined school would have the same number of pupils overall, and there would be a similar staffing need. Over time, the staffing structure for a combined school would need to reflect the needs of the size, ethos and age range of the school. If the schools combine, there

would be a review of the staffing structure which would bring the two former staff groups together in an appropriate staffing model for a combined all-through primary school.

A review of the staffing structure for the combined school would follow confirmation of the Headteacher. Any new staffing structure would be subject to consultation with all staff and their professional associations/unions and appointments would be made over time to the new staffing structure. It should be borne in mind that changes to staffing structures happen in schools at times regardless of amalgamation.

Any duplication of roles would be considered as part of the processes. In a larger sized school there would be new opportunities and consolidation of roles in structures that are proposed. No redundancies have arisen in the schools that have been combined to date and there is no reason for the situation to be different in this instance. The trade unions are very experienced and understand the process well.

Governing Body response to the consultation

The Interim Executive Board of Whitchurch First School and Nursery is supportive of the amalgamation between Whitchurch First and Junior School. The Board are in agreement with Harrow Council's key educational factors as set out in its proposal evaluation for joining the schools together.

The Governing Body of Whitchurch Junior School decided in a unanimous vote that it was in the best interests of the children that both schools should amalgamate. Therefore it is the recommendation of the Junior School governing body that both schools should merge.

The responses to the consultation indicate strong agreement with the Council's proposal to amalgamate the Whitchurch schools.

Representations about the statutory proposals

No representations in relation to the statutory proposals were received by Harrow Council by the closing date of the representation period on 2 February 2015. The Governing Bodies of the two schools have responded to the statutory proposals as follows.

Governing Bodies of Whitchurch First School and Nursery and Whitchurch Junior School

The Interim Executive Board (IEB) of Whitchurch First School and Nursery has responded that they are supportive of the proposed amalgamation to take place between Whitchurch First and Junior School. The IEB considers it is the correct decision from an economic perspective as they are in the same building, from a staff perspective in terms of professional development and enhancing teaching and learning and also for the pupils so that they can enjoy a fully supportive primary education without the transition from First to Junior school. The IEB welcome the concept of a newly constituted Governing Body effectively representing all parts and stakeholders of the school.

The Governing Body of Whitchurch Junior School has responded that their views remain unchanged from the views expressed in December 2014 regarding the amalgamation of Whitchurch Junior School with Whitchurch First School and Nursery. The Governing Body of Whitchurch Junior School decided in a unanimous vote that it was in the best interests of the children that both schools should amalgamate.