

Meeting:	Cabinet
Date:	17 September 2009
Subject:	Future Organisation of Priestmead First School and Priestmead Middle School
Key Decision:	Yes
Responsible Officer:	Heather Clements, Director of Schools and Children's Development
Portfolio Holder:	Councillor Anjana Patel, Portfolio Holder for Schools and Children's Development
Exempt:	No
Enclosures:	Annex A - Decision Makers Guidance

## Section 1 – Summary and Recommendations

Statutory Proposals were published in June 2009 to effect the amalgamation of Priestmead First School and Priestmead Middle School. No objections have been received during the representation period. Cabinet approval is sought to enable the two schools to combine with effect from 1 January 2010.

### **Recommendations:**

1. Cabinet is requested to agree the statutory proposals to close Priestmead First School and extend the age range and expand the capacity of Priestmead Middle School, to effect the amalgamation of the two schools from 1 January 2010.
2. If Cabinet agrees the statutory proposals, Cabinet is further requested to:
  - a) agree to publish statutory notices early in 2010 to clarify the school reorganisation position in September 2010:
  - b) delegate authority to the Portfolio Holder for Schools and Children's Development to determine these additional statutory proposals.

**Reason: (For recommendation)**

Cabinet agreed the publication of the statutory proposals to effect the amalgamation of the Priestmead schools at its meeting on 14 May 2009 and is under a statutory duty to determine the proposals within two months from the end of the representation period, which ended on 20 July 2009, or the matter is referred to the Office of the Schools Adjudicator for determination. In determining the proposals, Cabinet as the decision maker, must have regard to the statutory and non-statutory guidance provided by the Department for Children, Schools and Families.

**Section 2 – Report****Introduction**

1. Harrow's vision is to provide high achieving schools at the heart of the community. In order to further this vision, in October 2007 Cabinet agreed its strategic approach to school organisation.

**Options considered**

2. The Headteacher of Priestmead First School resigned with effect from the end of the Summer Term in July 2009. During the Autumn Term 2008, the governing bodies commenced the process to amalgamate the two schools in accordance with the Council's October 2007 amalgamation policy. The October 2007 amalgamation policy requires separate first and middle schools to amalgamate when one or more of the triggering circumstances arise unless there are compelling and over-riding reasons not to, and a headteacher vacancy in either or both schools is one of the triggering circumstances.
3. In the Autumn Term 2008, the governing bodies formed a representative steering group to plan the consultation process with the school communities and agree a consultation document to send to all stakeholders. The statutory consultation was held from 23 February 2009 until 23 March 2009. This consultation met the requirements of the DCSF School Organisation Unit guidance on closing and making changes to schools.
4. At its meeting on 15 May 2009, Cabinet considered the outcome of the consultation and the unreserved recommendation of the Federated Governing Body of Priestmead Schools that the two schools should amalgamate. Cabinet agreed to publish statutory proposals that could effect the amalgamation of the two separate schools. In accordance with practice under the October 2007 amalgamation policy, the statutory proposals that were published were to discontinue the school where the headteacher vacancy had arisen, and to extend the age range and expand the capacity of the other school.

**Statutory Notices**

5. Three linked statutory proposals were published that could effect the amalgamation of Priestmead First School and Priestmead Middle School to provide an all through primary school. The following two statutory proposals were published on 8 June 2009 with a statutory representation period of 6 weeks.

- A prescribed alteration to extend the age range of Priestmead Middle School to establish a school with an age range of 4 years (Reception) to 12 years (Year 7) with attached nursery class from 1 January 2010.
  - A notice to discontinue Priestmead First School on 31 December 2009.
6. The third statutory proposal was published on 22 June 2009 with a statutory representation period of 4 weeks:
- A prescribed alteration to expand the capacity of Priestmead Middle School from 372 to 732 from 1 January 2010.
7. This staged approach to publication ensured that all three proposals had the same closing date of 20 July 2009 for the representation periods. The local authority received one representation during the representation period, which was in support of the proposals.

### **The context of school reorganisation in Harrow**

8. In addition to the statutory proposals for recommendation in this report, in April 2009, Cabinet previously determined statutory proposals to change the age range at Priestmead First School and Priestmead Middle School as part of the borough-wide change of age range proposals.
9. If Cabinet agrees the statutory proposals for recommendation in this report, a technical issue would arise. The Local Authority would have a duty to implement two different sets of statutory proposals in relation to Priestmead Middle School, namely:
- The change of age range to 4–12 years on 1 January 2010 (to achieve the amalgamation of the two schools as per the recommendation of this report)
  - The change of age range to 7–11 years on 1 September 2010 (published in February 2009 as part of the borough-wide school reorganisation proposals, and agreed by Cabinet in April 2009)
10. A similar duty to implement two different sets of statutory proposals would not apply in relation to Priestmead First School because that school would cease to exist on 31 December 2009.
11. This technical issue can be addressed by the publication and determination of two further notices to:
- Revoke the statutory proposal to change the age range of Priestmead Middle School to 7-11 years and
  - Establish the age range of the combined school to be 4-11 years from September 2010 with a planned admission number of 90.

### **Determination of statutory proposals**

12. In its role as the Decision Maker, Cabinet must have regard to the statutory and non-statutory guidance, provided by the Department for Children, Schools and Families, when determining statutory proposals. The guidance has been provided to all Cabinet Members, and is available as background papers. Annex A provides Cabinet with commentary on the salient points contained in the Decision Makers' Guidance. The Director of Schools and Children's Development recommends that Cabinet agree the statutory proposals to effect the amalgamation of the two schools with effect from 1 January 2010.

## **Legal comments**

13. The Local Authority has a statutory entitlement under ss.15 and 19 of the Education and Inspections Act 2006, to issue statutory proposals in respect of school reorganisation. The statutory proposals were published following the decision made by Cabinet on 15 May 2009. Cabinet must determine the proposals within two months of the representation period, which ended on 20 July 2009, 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.
14. If Cabinet agrees these statutory proposals, there would be two statutory proposals running concurrently in conflict and it is only possible to determine and implement one of them. The proposal to revoke the original school reorganisation notice and re-issue another statutory notice in early 2010 will remove the conflict and enable the local authority to implement its plans for school reorganisation.
15. It is proposed that the determination of these statutory proposals is delegated to the Portfolio Holder for Schools and Children's Development. This will ensure that this issue is resolved within the shortest timeframe and avoid any protracted uncertainty for the school community who have expressed their strong support for the amalgamation.

## **Financial Implications**

16. Amalgamating schools has a positive albeit small revenue effect, and in previous cases this has resulted in improved efficiencies of approximately £40k. The principal efficiencies result from having one headteacher instead of two. Schools would also benefit from having fewer Service Level Agreement (SLA) charges for some services, for instance, at present first and middle schools are charged separately for the Schools Finance SLA. This would change to only one charge after amalgamation.
17. Capital expenditure, where necessary, would be financed through existing capital resources including for example Schools Devolved Formula, and other DCSF resources as they come on stream for example, the Primary Capital Programme.

## **Performance Issues**

18. Delivering School Reorganisation so that Harrow's schools are in line with the national agenda is Council Improvement Plan project IP7D and contributes to a range of performance indicators, in particular the following from the new National Indicator Set. NI 72 – 109 'Enjoy and Achieve' indicators covering Key Stage achievement and progression, narrowing the gap for lower performing and vulnerable groups, attendance, behaviour, special educational needs.
19. Whilst Harrow's performance is currently above national and statistical neighbours' averages at all Key Stages, Harrow's targets, which are set annually for the DCSF, are highly challenging. The table below presents Harrow's performance against its targets and the national averages.

## Harrow's 2007 - 08 Results

<b>KS1</b>	<b>Actual</b>	<b>Target</b>	<b>National</b>
Reading L2+	87.0%	Not Set	84.0%
Writing L2+	83.0%	Not Set	80.0%
Maths L2+	91.0%	Not Set	90.0%
Science L2+	88.0%	Not Set	89.0%
<b>KS2</b>	<b>Actual</b>	<b>Target</b>	<b>National</b>
English L4+	82.0%	85.0%	81.0%
Maths L4+	79.0%	85.0%	78.0%
Science L4+	87.0%	Not Set	88.0%
<b>KS3 (Provisional)</b>	<b>Actual</b>	<b>Target</b>	<b>National</b>
English L5+	77.6%	82.0%	73.0%
Maths L5+	79.5%	82.0%	77.0%
Science L5+	74.2%	78.0%	71.0%
<b>GCSE</b>	<b>Actual</b>	<b>Target</b>	<b>National</b>
% 5+A*-C	69.5%	68.2%	65.3%
% 5+A*-C inc E & M	57.7%	58.0%	47.6%

### **Impact on Corporate Area Assessment**

20. As part of school reorganisation, this proposal will have a positive impact on efficiency (Use of Resources Assessment) and achievement and inclusion outcomes (Performance Management & Area Assessment) in our schools. There is no anticipated negative Corporate Area Assessment impact.

### **Environmental Impact**

21. There is no significant environmental impact arising from these proposals. The combined school would occupy the same buildings as the existing schools.

### **Risk Management Implications**

22. If Cabinet agrees the statutory proposals to amalgamate the two Priestmead schools, a technical point is summarised in the Context of School Reorganisation in Harrow and the Legal Comments sections above in relation to a duty to implement two different sets of statutory proposals.

23. This technical point would only be an issue if there was a legal challenge, which based on the level of stakeholder support for the proposals is considered to be a very low risk. Also, during the statutory processes relating to the proposed amalgamation, the local authority has gone to considerable lengths to ensure that the implications of the amalgamation proposals in relation to the school reorganisation proposals were made clear to stakeholders:

- During the statutory consultation it was explained to stakeholders that the timing of the amalgamation proposals was delayed because of the school reorganisation consultation timetable;
- In the explanatory notes included with the notices clear reference is made to the school reorganisation proposals.

24. However, the potential for a legal challenge may arise in that the explanation was not stated explicitly within the text of the official part of the statutory notice and from the different age ranges stated in the two sets of statutory proposals in relation to Priestmead Middle School. In order to achieve certainty for the school and stakeholders, if Cabinet decides to amalgamate

the two schools, the Director of Schools and Children's Development recommends that further notices be published after the schools combine in January 2010 to clarify the position that will apply from September 2010.

### Section 3 - Statutory Officer Clearance

Name:	Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date:	13 August 2009		
Name:	George Curran	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date:	18 August 2009		

### Section 4 – Performance Officer Clearance

Name:	David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Strategy and Improvement)
Date:	20 August 2009		

### Section 5 – Environmental Impact Officer Clearance

Name:	Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date:	7 August 2009		

### Section 6 - Contact Details and Background Papers

**Contact:** Chris Melly, Senior Professional, Transforming Learning Team  
020 8420 9270 [chris.melly@harrow.gov.uk](mailto:chris.melly@harrow.gov.uk)

**Background Papers:**

Papers of Cabinet 15 May 2009 - Future Organisation of Priestmead First School and Priestmead Middle School