



Haringey Council

Key Decision Taken Under Special Urgency

DATE OF DECISION: FRIDAY, 19TH JULY, 2013 at 14:00 HRS

MEMBERS: Councillor Claire Kober

AGENDA

- 1. JOHN LOUGHBOROUGH SCHOOL - WITHDRAWAL OF RIGHT TO A DELEGATED BUDGET (PAGES 1 - 4)**

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Report for:	Decision Taken Under Special Urgency	Item Number:	
Title:	John Loughborough School – withdrawal of right to a delegated budget		
Report Authorised by:	Libby Blake, Director of Children’s Services		
Lead Officer:	Jennifer Duxbury, Head of Admissions and School Organisation		
Ward(s) affected: All Wards	Report for Key Decision		

As set out under paragraph 17.1 Part Four, Section D of the Constitution, agreement has been obtained from the Chair of the Overview and Scrutiny Committee for the decision to be taken under the Special Urgency Procedure. The Chair of the Overview and Scrutiny Committee has also given consent for the call-in procedure to be waived, as set out under paragraphs 18 (a), (b) and (e) Part Four, Section H.

1. Describe the issue under consideration

- 1.1 In accordance with the procedures set out in the guidance ‘Closing a Maintained Mainstream School’ the Council is at the implementation stage (Stage 5) of the proposal to close The John Loughborough School across all year groups on 31 August 2013.
- 1.2 To ensure that the proposal is implemented fully by 31 August 2013 the Council must be confident that the governing body will act in the best interests of all pupils by providing access to information to aid the smooth transition of pupils to their new schools.
- 1.3 The Council must also be confident that the financial aspects of the proposal, including the dismissal of staff will be implemented by the governing body making efficient and appropriate use of the resources having regard to the funds available.



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- 1.4 In the absence of the appropriate level of preparation, it is proposed that the School's right to a delegated budget is withdrawn.
- 1.5 If the School's right to a delegated budget was withdrawn, then by virtue of paragraph 5 of Schedule 2 to the EA 2002, the Council determine the arrangements for the staffing of the school and by virtue of paragraph 8, the Council could "give directions to the governing body as to the number and conditions of service of persons employed at the school for the purposes of the care and maintenance of the school premises".
- 1.6 An urgent decision is required to enable the delegated budget to be withdrawn and for the Council to determine the staffing arrangements and in particular to implement the procedures for redundancy payments on closure.
- 1.7 This decision is required to be taken urgently as there is a risk that payments for redundancy could be unduly enhanced and the school closure process may be delayed.

2. Cabinet Member introduction

- 2.1. The John Loughborough School is to close on August 31st at the end of the school holidays and the school term ends in a matter of days – 24 July 2013
- 2.2. The late decision from the Schools Adjudicator means that many tasks must be undertaken in a very short time to ensure that the closure is implemented, yet evidence to date indicates that the governing body are not properly prepared for the school to close.
- 2.3. This lack of readiness on the part of the governing body poses an unacceptably high risk and so I therefore recommend that the delegated budget is withdrawn from the school at the earliest possible point.

3. Recommendations

- 3.1. That the Leader approves the decision to:
 - Implement the Authority's powers pursuant to Section 66 of the Education and Inspections Act 2006 to suspend the delegated budget of The John Loughborough School.
- 3.2. And following on from the suspension of the delegated budget:
 - That the Leader delegates authority to the Director of Children's Services to agree and issue the terms of the suspension of the delegated budget and the determination on staffing in paragraph 1.6 above and shall consult the Lead Member for Children's Services in doing so.



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4. Alternative options considered

- 4.1. Doing nothing is not considered financially prudent as the financial implications to the Council could be high as could the effect on smooth pupil transition if the governing body fail to carry out their duties in a timely manner.

5. Background information

- 5.1. On 16 April 2013 Cabinet approved the proposal to close The John Loughborough School (the "School") across all year groups with effect from 31 August 2013 in accordance with the published notice dated 7 January 2013.
- 5.2. Following the Council's decision the governing body of the School ("the Governing Body") requested the Council to refer to the Schools Adjudicator the question as to whether the proposal should be implemented. As a result, that question was referred by the Council to the Adjudicator under paragraph 14 of Schedule 2 to the Education and Inspections Act 2006 ("EIA 2006").
- 5.3. On 11 July, the Adjudicator determined under the powers conferred on him by the Education and Inspections Act 2006 and the Regulations made there under, that he rejected the appeal against the decision to discontinue the John Loughborough School.

6. Comments of the Chief Finance Officer and financial implications

- 6.1. The budget delegated to the governing body of The John Loughborough School (JLS), including Pupil Premium and top-up for pupils with statements of special educational needs is £2.193m for the full financial year. With the closure of the school on 31 August, £1.279m will revert to the Council's Schools Budget.
- 6.2. The budget that reverts will be used to fund the costs incurred by Park View in setting up bulge classes for the current Year 10 pupils plus the costs, such as redundancy, arising from the closure.
- 6.3. Following the adjudicator's decision, it is important that the Council acts urgently to safeguard the interests of the children and the financial position of both the school and Council. It will be necessary to ensure that arrangements are in hand to close the school and its financial accounts in an orderly and timely way.

7. Head of Legal Services and legal implications

- 7.1. Only Cabinet has power to make the decision as recommended in Paragraph 3 of this report
- 7.2. This is an urgent decision and the Leader/Cabinet can take urgent decisions
- 7.3. The decision would be subject to call-in unless consent of the chair of Overview and Scrutiny Committee was obtained to waive call-in, in accordance with paragraph 18 of Part 4 H to the constitution.



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7.4. The School's right to a delegated budget may be withdrawn by Cabinet by virtue of S66 of the EIA 2006.

7.5. The Head of Legal Services confirms that there are no legal reasons preventing Cabinet from approving the recommendations in the report

8. Equalities and Community Cohesion Comments

8.1. Policy and Equality Team have been consulted in the preparation of this report and they comment that a full equalities impact assessment was completed on the proposal to close The John Loughborough School and all the equalities implications were identified and fully addressed in the assessment itself and in all reports to Members throughout the decision-making process in regards to the closure. This report is concerned with implementation issues which we do not believe have any further implications for the Council's public sector equalities duty.

9. Policy Implication

9.1. Council Priority 4: Improve school standards and outcomes for young people.

10. Reasons for Decision

10.1. This decision is required to be taken urgently as the Council need to ensure that the school's budget is used for the ongoing running of the school and the closure process. There is a risk that payments for redundancy could be unduly enhanced and the school closure process may be delayed. It is important that the decision is implemented straight away and therefore the requirement to call in is also waived.

11. Use of Appendices

11.1. There are no appendices to this report.

12. Local Government (Access to Information) Act 1985

12.1. This report has a background in the Council's decision on April 16 2013 to close the school. Details of the background and all relevant information can be found at http://harinet.haringey.gov.uk/index/children-families/education/projects_consultations_inspections/jls.htm

12.2. The schools Adjudicator upheld the Council's decision on 11 July 2013. The report can be found at: <http://www.education.gov.uk/schoolsadjudicator/decisions/database>