

**Report for:** Cabinet 11 February 2020

**Title:** Determination of the Statutory Notice proposing the closure of Stamford Hill Primary School with displaced pupils transferring to Tiverton Primary School (amalgamation)

**Report authorised by:** Ann Graham, Director Children's Services



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**Ward(s) affected:** Place planning changes impact all schools, but with particular reference to Stamford Hill Ward

**Report for Key/  
Non-Key Decision:** Key Decision

## 1. Describe the issue under consideration

- 1.1. This report sets out the result of the statutory representation period on the proposal to amalgamate Stamford Hill Primary with Tiverton Primary School. In this case, amalgamation means the closure of Stamford Hill Primary School with displaced pupils transferring to Tiverton Primary School.
- 1.2. The purpose of this report is to provide Cabinet with a factual summary of the proposal and the representations received, to enable Cabinet to consider the proposal and make a final decision.
- 1.3. The 'Opening and closing maintained schools' statutory guidance for proposers and decision-makers' (2019) provides a clear framework for local authorities and governing bodies wishing to propose the discontinuance of a maintained school, including the option of amalgamation.
- 1.4. There are a number of reasons under which proposers are permitted to pursue the closure of a maintained school. Four of the six reasons set out on page 16 of the guidance are relevant to this proposal:
  - 'There are a surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicated demand for the school in the medium to long term;
  - **It is to be merged or amalgamated with another school**
  - It has been judged Inadequate by Ofsted
  - It is no longer considered financially viable;

## 2. Cabinet member introduction

- 2.1. Every child and young person, wherever they live in our borough, deserves an excellent education and, as a Council, we are committed to supporting our schools to continue to deliver high-quality teaching, learning and support across Haringey in a period where growing pressure on school budgets is being felt.
- 2.2. Following an 'inadequate' inspection judgement by Ofsted in November 2018, an Academy Order was made for Stamford Hill Primary by the Secretary of State for Education in December 2018. The Regional Schools Commissioner (RSC), on behalf of the Department for Education, sought to identify an academy sponsor for the school. However, we do not believe that forced academisation is the right approach, and our preferred option is for a local solution that takes account of the wider needs of our schools' community.
- 2.3. The proposal will mean the closure of Stamford Hill Primary with the displaced pupils being accommodated by Tiverton Primary School, to create a single school operating from one site. The Council's preferred option would be pursued in parallel with the academisation currently sought by the RSC, as this will enable us to avoid delay in finding the best solution for current and future cohorts of pupils.
- 2.4. Significant concerns have been raised about the long-term sustainability of Stamford Hill Primary School in terms of the risks to its financial stability and its ability to attract pupils to the school. The latter is largely due to a flattening birth rate which is affecting many schools locally, and indeed schools across London. This means demand for school places has fallen in the borough and is now projected to remain broadly static until 2026/27 and possibly beyond.
- 2.5. For these reasons and having undertaken consultation over a period of more than 6 months to find the best solution, I recommend to Cabinet that the Council now ceases to maintain Stamford Hill Primary in order for transition planning to commence for the eventual amalgamation with Tiverton Primary School from September 2020.

## 3. Recommendation

- 3.1. Cabinet are asked to:
  - note that no comments or objections were received during the 4-week representation period despite consulting widely with all relevant parties.
  - note the revenue budget to operate Stamford Hill Primary School successfully in the future is severely diminished with the school's very low pupil numbers.
  - note the equalities impact assessment at Appendix 4.
  - approve the proposal to amalgamate Stamford Hill Primary School with Tiverton Primary School. This will mean the closure of Stamford Hill Primary School from 31 August 2020 with displaced pupils transferring to Tiverton Primary School at the beginning of the 2020/21 academic year.

## Reasons for recommendation

- 3.2. Following an 'inadequate' inspection judgement by Ofsted in November 2018, the Regional Schools Commissioner, on behalf of the Secretary of State and the Department of Education, placed a directive academy order on the school. Since April 2016, the Department has issued directive academy orders to maintained schools that Ofsted has rated as inadequate. Its aims for these schools to open as sponsored academies.
- 3.3. Significant concerns were raised about the long-term sustainability of Stamford Hill Primary School in terms of the vulnerability of its financial stability and its historic ability to attract pupils to the school. Based on the low level of demand for school places locally and the expected future declining demand, the Council considers that Stamford Hill Primary and other local schools will continue to face difficult financial challenges because classes won't be full. Schools are largely funded on a 'per pupil' basis i.e. how many pupils attend the school.
- 3.4. The Council has a duty of care to ensure children in its schools are able to receive a good education and to access the full curriculum. A school with a declining roll will be challenged to do this effectively because of inevitable financial pressures from reduced funding.
- 3.5. Schools in the local area currently have a significant surplus of places and current school roll projections do not indicate any future demographic growth before 2026/27 and possibly beyond. In view of this, the Regional Schools Commissioner agreed for the Council to consider alternative options in parallel with the pursuit of Academisation.
- 3.6. The Council's preferred option and one that provides a long-term sustainable solution to local falling demand, is an **amalgamation** between Stamford Hill Primary School and Tiverton Primary. Tiverton Primary is a local school located on other side of Seven Sisters Road, within a 5-minute walking distance to Stamford Hill Primary. The proposal would mean the closure of Stamford Hill Primary with displaced pupils being accommodated by Tiverton Primary School, to create a single two form entry school operating from one site.
- 3.7. Full consultation has been undertaken over a period of six months including meetings with staff, governors, and parents, along with other interested stakeholders. On the 27 November 2019, Council's Cabinet agreed to publish a statutory notice commencing the statutory representation period, which was the last opportunity for people and organisations to comment on the proposal.

## 4. Alternative options considered

- 4.1. A number of options on the future of Stamford Hill Primary School were presented to local stakeholders during the consultation periods before the publication of the statutory notice.

4.2. All alternative options were rejected because they did not offer a viable solution in the context of falling demand. Local stakeholders were informed of the reasons these alternative options were less desirable than the Council's preferred option of amalgamation:

- A) **Keeping Stamford Hill open:** This option does not provide a long-term sustainable solution to falling local demand and leaves Stamford Hill and other local schools vulnerable because demand for school places are falling more widely in the locality.
- B) **Federation:** Federation is an option that focuses on improving educational delivery by allowing the governing body to use budget, resources and staff across a federation to improve the educational outcomes for all pupils. This option would need another school to federate with Stamford Hill Primary. Also, under a federation, schools would remain as separate organisations and this again would not address the decline in numbers on roll at Stamford Hill (and other local schools) or the financial challenges that other schools are facing. This option is therefore less desirable than amalgamation.
- C) **Amalgamation with split site:** This would involve Tiverton Primary School having two permanent sites and would not be desirable because it would involve the overheads of permanently running two sites in a context of reduced revenue from falling demand for school places.
- D) **Closure of Stamford Hill Primary with pupils moving to other local schools (including Tiverton Primary):** This would involve closing Stamford Hill Primary School and giving parent/carers the opportunity to apply for a school place at any other Haringey primary school (including Tiverton) and in other local authorities. This option provides a less outcome focused solution to those parents with children currently at Stamford Hill Primary and doesn't provide a mechanism for ensuring cohorts of children are, as far as reasonably possible, kept together, which is an outcome some parents expressed as the part of the earlier consultations.

4.3. Stamford Hill Primary will not be educationally or financially viable in the future with low pupil numbers and falling demand that is projected to remain static until 2026/27 and possibly beyond. There is a significant risk that the school will not be able to provide pupils with a rounded education that meets their academic, social and emotional needs. Keeping the school open would therefore have a negative impact on raising standards and narrowing the attainment gap and would not be in the best interests of educational provision in the area.

## 5. Background Information

5.1. Following many years of borough-wide rising demand as a result of the growth in Haringey's population, the Council is now in a position of needing to reduce capacity as a result of a flattening birth rates and a higher than projected increase in outward migration. This has contributed to an unacceptably high surplus of places in some

school place planning areas, especially in Planning Area 3<sup>1</sup> (PA3) where current projections show a consistent surplus of approximately one form of entry in this planning area up until 2026/27.

- 5.2. The possibility of bringing together both Stamford Hill Primary and Tiverton Primary in an amalgamation had arisen against a backdrop of falling rolls in the local area and also following an 'inadequate' (serious weaknesses) Ofsted judgement of Stamford Hill Primary in November 2018. Following the outcome of the Ofsted inspection, the school was subject to a Directive Academy Order for the purposes of enabling it to be converted to an Academy.
- 5.3. The Regional Schools Commissioner (RSC), on behalf of the Department for Education sought to identify an Academy sponsor for the school. However, as referenced above the preferred option is for a local solution that takes account of the wider needs of the local school community. Officers in the Local Authority have discussed with the RSC the possibility of an amalgamation of the two schools to address falling demand for school places and the RSC is content that such a process can be pursued alongside the DfE's academisation process. If the amalgamation were to go ahead, the need for an academisation of Stamford Hill would fall away.

### **Underlying viability**

#### **Stamford Hill**

- 5.4. There are currently vacancies across all year groups at Stamford Hill Primary School with 99 pupils on roll as at the October census 2019: 14 in nursery, 14 in Reception, 13 in Year 1, 1 in Year 2, 8 in Year 3, 18 in Year 4, 15 in Year 5, and 16 in Year 6. As a one form entry school, Stamford Hill has a capacity to admit up to 240 pupils (Nursery – Year 6). The school is currently operating at 41% of its total capacity.
- 5.5. As seen from the current pupil numbers above, the future viability of the school has been further weakened by a high number of requests to move from Stamford Hill Primary School rather than wait to move in a managed cohort in September 2020 as described in the transition proposal set out below at para. 7.14.
- 5.6. During the consultation periods, the Council and school emphasized to all parents the benefits of pupils remaining at Stamford Hill Primary School until the time came for the whole year group to move. Despite this, the risk of pupils transferring to Tiverton Primary School and other schools was always present from the point that the consultation on an amalgamation commenced.
- 5.7. The Council, as admissions authority, cannot lawfully refuse to admit a pupil to a school where the admitting school has available places. There has been, and there continues to be a significant number of vacancies across the whole school estate, including places in some year groups at Tiverton Primary School. More information on vacancies across schools in planning area 3 is set out from para. 5.15 below.

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<sup>1</sup> Haringey has five Planning Areas (PAs) for the purpose of school place planning to enable to plan effectively to meet local demand. PAs provide a useful framework to compare admissions application data, pupil projections, school roll information and housing developments across the borough. [Planning Area 3 \(PA3\)](#) comprises the following wards – St Ann's, Seven Sisters and the southern half of Harringay ward.

- 5.8. It is important to note that the resulting decrease in numbers on roll will further compromise the financial viability of the school and the ability to offer a broad and balanced curriculum.

### **Tiverton Primary School**

- 5.9. Tiverton Primary School has vacancies across all year groups with 348 pupils on roll as at October 2019 census: 38 in the Nursery, 30 in Reception\*, 30 in Year 1\*, 59 in Year 2, 44 in Year 3, 42 in Year 4, 52 in Year 5, 53 in Year 6.
- 5.10. Reception and Year 1 classes at Tiverton Primary have been capped at 30 following approval from the Office of the Schools Adjudicator for a reduction in the published admission number (PAN) in 2018. The Council also set the PAN at 30 for entry to Reception in September 2020 in the context of falling demand for school places in PA3.
- 5.11. As a two-form entry school, Tiverton Primary has capacity to admit up to 480 pupils (Nursery - Year 6). The school is currently operating at 72.5% of its total capacity. As shown in the table below the school currently has the capacity to absorb the vast majority of pupils from Stamford Hill Primary. Any enlargement and/or significant alternation of Tiverton Primary School is, therefore, not likely to be required.

### **Combined pupil numbers from amalgamation**

<b>Pupils on Roll as at October 2019</b>										
<b>Schools</b>	<b>Nursery</b>	<b>Reception</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Year 6</b>	<b>Total</b>	<b>Total Capacity</b>
Stamford Hill Primary School (30)	14	14	13	1	8	18	15	16	99	240
Tiverton Primary School (60)	38	30	30	59	44	42	52	53	348	480
<b>Combined total from a theoretical amalgamation as at Oct 2019</b>	<b>52</b>	<b>44</b>	<b>43</b>	<b>60</b>	<b>52</b>	<b>60</b>	<b>67</b>	<b>69</b>	<b>447</b>	<b>480</b>

- 5.12. The Council is committed to working closely with the school to maximise its available space so it can continue to ensure the successful learning of all pupils and that no disruption is caused as a result of any potential amalgamation.
- 5.13. A small programme of capital works at Tiverton Primary may be required to accommodate additional pupils that exceed the admission limit in any particular year group. The table above shows that the additional pressure is presently located in Year 5 (Year 6 from September 2020) – 7 pupils above the admission limit. There is also pressure on places in current Year 6, but this cohort of pupils will be transferring to Secondary School at the expected time of amalgamation (September 2020).

- 5.14. As already mentioned, the in-year application process remains open and parents are still eligible to transfer their child(ren) to alternative schools which may leave even more capacity within the current structure at the time of the expected implementation phase. The need for a programme of capital works will be reviewed at a later date and the appropriate action taken should Cabinet decide to approve the proposal to amalgamate.

### **Pupil numbers across PA3**

- 5.15. More broadly, PA3 shows a significant number of vacancies across the school estate with Crowland Primary, Seven Sisters Primary, South Haringay Primary, St Ignatius Catholic Primary and St Mary's Priory Catholic Primary all carrying up to or in excess of 30 vacancies each across the entire main school. This equates to 12.3% surplus vacancies cumulatively across all schools in PA3. The Department for Education (DfE) has previously recommended that Local Authorities maintain no more than 5% surplus capacity to ensure that pupils arriving in-year can be offered a school place, and to allow for movement between schools based on parental preference.
- 5.16. Surplus rolls at too high a level can affect the viability and sustainability of schools. If amalgamation were to go ahead and all displaced pupils at Stamford Hill transferred to Tiverton Primary or other local schools within PA3, then the local cumulative surplus of 12.3% across PA3, incorporating all year groups, would be significantly reduced. The current estimate (based on October 2019 figures) is that the overall surplus would be reduced to approximately 7.1% which is more in line with the DfE recommendation.
- 5.17. The proposed amalgamation of Stamford Hill Primary School with the displaced pupils being accommodated by Tiverton Primary School would result in Tiverton and its site eventually operating as a viable two-form entry school. This is more aligned with the current level of projected demand in the area. It is expected that Tiverton Primary School would satisfactorily fill two forms of entry as opposed to the current significant surplus created by three forms of entry across two individual schools.
- 5.18. There are projected to be sufficient places available in other surrounding local primary schools to accommodate registered pupils at Stamford Hill Primary school and future pupils living in the local area. There are a diverse range of other good quality local schools in the area providing places in Academies, Community and Voluntary Aided Schools. At the time of writing, all Haringey primary schools in the local area are judged by Ofsted to be 'Good' or 'Outstanding.'
- 5.19. Any pupils joining other local schools from Stamford Hill Primary will contribute towards the improved sustainability of the receiving schools as they will be able to increase their pupil numbers and, in turn, their financial income.

### **Premises and use of vacant site**

- 5.20. Following the complete vacation of the Stamford Hill site, the Local Authority will consider the wider needs of our children, young people and school in determining a use of the site that keeps it in education use if that need can be demonstrated. This

includes but is not limited to SEND provision, alternative provision and future proofing for an inevitable return to a rise in pupil numbers in the next 7 to 20 years.

- 5.21. No options on the future use of the school site can be considered until Cabinet have made a final determination on whether to approve the proposal.

## **6. Consultation**

- 6.1. Although the statutory timescales for consultation had been agreed at the previous Cabinet meeting, Council's Cabinet had the ability to halt or delay the process at any point if a credible alternative option to closure was identified.
- 6.2. The LA carried out consultation with all relevant parties prior to the publication of the statutory proposal, in accordance with the recommendation set out in the statutory guidance issued by the DFE "Opening and Closing Maintained Schools 2019."
- 6.3. Details of these consultations and the responses received from stakeholders together with the response from Officers are included at Appendices 1, 2 and 3.
- 6.4. The statutory notice and full proposal were published on Thursday 17 November 2019 on the Haringey consultation section of the Council's website and on the Schools and Education section.
- 6.5. The statutory notice was posted at the main entrances to both Stamford Hill and Tiverton Primary Schools and at other prominent locations on the school sites. The notice was also published in the Enfield and Haringey Independent.
- 6.6. A letter was sent to all staff and parents of registered pupils at Stamford Hill Primary and Tiverton Primary Schools informing them of the full proposal on the Haringey website, including details on how written representation could be submitted. These letters were translated into four languages (Polish, Turkish, Portuguese and Spanish) representative of the local demographic and copies made available on request from the main school offices at both schools.
- 6.7. The statutory notice and full proposal were also emailed to the all local Haringey primary and secondary schools, nurseries, children centres, MPs, trade unions, the diocese and neighbouring authorities.
- 6.8. A frequently asked questions (FAQs) document was published on the Haringey website and also available to view in Polish, Portuguese, Spanish and Turkish.
- 6.9. Prior to the start of the representation period, Officers held a series of public meetings at Stamford Hill and Tiverton Primary Schools to discuss the proposal and answer questions from interested stakeholders. Interpreters were arranged to translate for families with English not as their first language. The minutes from these public meetings were published on the Haringey website and also available to view in the four translated languages.
- 6.10. Two further formal meetings were arranged with school staff and their trade union representative in January 2020 to address HR matters and offer support and guidance in relation to redeployment and redundancy packages.

### **Representation period responses**

- 6.11. The statutory guidance issued by the DfE “Opening and Closing Maintained Schools 2019,” sets out that comments/views on the statutory proposal must be submitted in free text format by individuals. This is to ensure that the representations cannot be considered to be “guided” in any way, and to ensure that those making representations can feel able to make whatever comments or suggestions they feel appropriate and necessary.
- 6.12. It is important to note that the Council **did not** receive any comments or objections during the four-week statutory representation period between 27 November and the 18 December 2019.
- 6.13. It is inferred that the lack of responses is related to a growing understanding and acceptance of the main reasons for the proposal (falling local pupil rolls) along with an acceptance of the main solutions to this issue, amalgamation with Tiverton Primary School. This can be observed against the dwindling number of stakeholders due to parents of pupils registered at Stamford Hill Primary School moving their child(ren) to other schools, including Tiverton Primary School.
- 6.14. Several important points have been noted during the pre-statutory consultation periods and a number of questions were asked at public meetings prior to the publication of the statutory notice. Cabinet have already considered these points sensitively, considering all issues and implications of a decision to amalgamate Stamford Hill Primary School with Tiverton Primary School. They have already considered at length the views of parents, children and staff and the Council’s view remains that there are sufficient places in the local area and the need for an urgent and cost-effective solution that best meets the needs of Stamford Hill pupils.

## **7. Overall decision making and risk implications**

- 7.1. As the main driver of school funding is pupil numbers there will continue to be a significant concern about the long-term sustainability of Stamford Hill Primary School in terms of the risks to its financial stability and its ability to attract pupils to the school against a backdrop of falling demand which is projected to remain broadly static until 2026/27.
- 7.2. For this reason, Council’s Cabinet is asked to approve the proposal to amalgamate Stamford Hill Primary School with Tiverton Primary School. This would mean the closure of Stamford Hill Primary School from 31 August 2020 with displaced pupils transferring to Tiverton Primary School at the start of the 2020/21 academic year.
- 7.3. It is important to ensure an effective transition of pupils to minimise any impact and the Council will continue working with both schools to support them in mitigating this risk, especially during the interim transition period outlined in para 7.14 should Cabinet decide to approve the proposal.
- 7.4. Any delay to a decision on the future of the school is likely to have a detrimental impact on the school in the future, its pupils and staff. Ongoing reduction in pupil numbers leads to financial challenges impacting on staffing and the school’s ability to deliver a full and balanced curriculum. The timetable and phasing proposal set out at para. 7.14 is proposed to mitigate this risk.

## **Environmental and Sustainability Implications**

- 7.5. The LA has addressed issues of transport in the statutory proposal. Tiverton Primary School and other local schools with vacancies able to accommodate displaced pupils are either within acceptable walking distances or are accessible by public transport. The statutory proposal sets out the full analysis of the impact on pupil travel. There are no SEN pupils with an Education, Health and Care plan currently attending Stamford Hill Primary and requiring supported travel arrangements.
- 7.6. It is anticipated that pupils will walk or use public transport to travel to Tiverton Primary School and therefore any impact on road traffic would be minimal. There is also sufficient local transport provision to cover the routes from home to school of current pupils.

## **Factors to be considered by Decision Makers**

- 7.7. Cabinet is the decision maker for this proposal and must decide on the proposal within two months of the end of the representation period, otherwise the Local Authority must forward the proposal and any representations received to the Schools Adjudicator for a decision to be made.
- 7.8. The Secretary of State has issued statutory guidance to assist decision makers, and Cabinet must have regard to the statutory guidance when it takes a decision on statutory proposals. The statutory guidance "Opening and Closing Maintained Schools: Statutory guidance for proposers and decision-makers" referred to previously in this report is included at Appendix 5.
- 7.9. Before considering the merits of the proposal, Cabinet must be satisfied that the following elements have been complied with:
- that comprehensive information has been supplied to Cabinet and that all information required is available to make a decision.
  - that the published statutory notice complies with statutory requirements;
  - that the statutory consultation has been carried out prior to the publication of the Notice; and
  - whether the proposal is related to any other proposals.
- 7.10. Cabinet as the decision maker must have regard to the following
- cost effective provision of education and the removal of surplus school places;
  - how the proposal will impact upon local diversity.
  - the effect on standards and school improvement;
  - types of schools available within the borough;
  - the impact on community cohesion and race equality;
  - the impact on the provision of extended services and travel;
  - the impact of the proposal on Special Educational Needs (SEN) provision; The views of interested parties: Cabinet should consider the views of all those affected by the proposal or who have an interest in them, including but not limited to pupils, families of pupils, staff, governors, local residents, and local Diocesan bodies
- 7.11. In developing the proposal, a detailed case has been made about the viability of Stamford Hill Primary School and the unsustainability of maintaining a school with

such significant numbers of surplus places against a backdrop of falling demand across schools in the wider area.

- 7.12. With regard to diversity of provision, whilst the proposal will result in parents being able to express a preference for one less community school, the low numbers of admission in recent years would suggest that Stamford Hill Primary School has not been a first preference for many families living in the wider local area.
- 7.13. Should the proposal be approved, there will still be 12 other primary schools within Planning Area 3, including the new Tiverton Primary School established through the proposed amalgamation.
- 7.14. The full statutory proposal is set out in Appendix 6 and provides more detailed information in relation to the types of schools available within the borough, the impact on the provision of extended services and travel and the impact of the proposal on Special Educational Needs (SEN) provision. The community impact statement did not identify any risks to the impact of the proposal on community cohesion or race equality. Paragraphs 8.12 - 8.19 below describe in more detail the considerations that must be taken with regard to equality and diversity in determining the proposal.

#### **Timescale for Implementation**

- 7.15. The Local Authority, as the proposer intends for the decision to be implemented in a phased manner and for it to cease to maintain Stamford Hill Primary School with effect from 31 August 2020. The proposed phased implementation is:
- February 2020 to July 2020: no changes – Nursery, Reception, Years 1, 2, 3, 4, 5 and 6 to continue at Stamford Hill Primary School.
  - 31 August 2020 – Stamford Hill Primary School closure
  - September 2020 –displaced pupils from Stamford Hill Primary start at Tiverton Primary School
- 7.16. There is no legal basis on which the Council can mandate and enforce that the cohorts of pupils remain at the school. The Council acknowledges that parental preference to move children to a school at a time of their choice remains, irrespective of the transition plan outlined. As previously stated, some parents have already transferred their child(ren) to other schools with available places.
- 7.17. Should Cabinet approve the proposal, transition planning between school leaders and governing bodies would begin straight away, involving pupils, parents and staff. Individual transition plans would be developed for pupils based upon need to ensure any vulnerable groups of children are identified and well supported during this process.
- 7.18. Having regard to the statutory guidance issued by the DFE on “the Opening and Closing maintained schools in 2019, Cabinet must consider the available evidence, including any comments and objections generated during the Representation Period. Cabinet must then decide, having considered the merits of the proposal, whether to:
- reject the proposal;
  - approve the proposal without modification;
  - approve the proposal with such modifications as they think desirable; or

- approve the proposal – with or without modification – subject to certain conditions being met
- 7.19. As set out in para 3.1 of this report, Cabinet is recommended to approve the proposed closure of Stamford Hill Primary School with displaced pupils transferring to Tiverton Primary School (amalgamation) to be implemented in accordance with paragraph 7.15.
- 7.20. The school remains subject to a Directive Academy Order in circumstances where no viable sponsor has come forward either through the RSC's processes or during the consultation and representation periods. Moreover, the consultation and representation periods did not bring forward any viable alternatives to the amalgamation proposal, as published. In any case, the Council does not believe that forced academisation is the right approach and remains strongly in favour of its preferred option for a local solution – amalgamation. The benefits to amalgamation are outlined at para. 7.24 below.
- 7.21. There are key underlying viability issues relating to demographic growth, a substantial surplus of places in planning area 3, admissions patterns and pupil numbers. Pupil projections show that there is no material increase in the projected demand for the school. More widely, demand for school places has fallen in borough and is now projected to remain broadly static until 2026/27 and possibly beyond.
- 7.22. Stamford Hill Primary School has never been oversubscribed and the declining pupil numbers have accelerated. Ongoing reductions in pupil numbers leads to greater financial challenges impacting upon staffing and the school's ability to deliver a full and balanced curriculum for its remaining pupils.
- 7.23. Some sections of the school community initially expressed support for the school remaining open, however, despite this public support, a significant number of parents have chosen to remove their children before the statutory consultation and representation periods were completed. This has had a further negative impact upon the school's viability.
- 7.24. The Stamford Hill site would be retained in education use by the LA, assuming that an education need can be demonstrated. Such education use might include mainstream places, alternative provision or special educational need provision.
- 7.25. The following is a summary of the benefits asserted by the LA in support of an amalgamation:
- Amalgamation can provide a foundation for sustainable long-term development and improvement as an increase in pupil numbers will result in additional revenue for the new primary school.
  - A two-form entry school rather than three forms across two schools is more aligned with the current level of projected demand in PA3 and will financially benefit local schools by assisting them to fill closer to their PAN.
  - The new school established through an amalgamation will continue to have strong links with its local community and keep its individual identity.
  - Tiverton Primary School is rated Good by "Ofsted" and strong leadership using strategic leadership and management structures will allow school-based leaders to focus on teaching, learning and raising standards further.

- Continuing support from the Haringey Education Partnership on all school improvement or school organisation issues.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Comments of the Assistant Director of Corporate Governance and legal implications**

- 8.1. The Assistant Director of Corporate Governance has been consulted in the preparation of this Report.
- 8.2. The relevant legislation and statutory guidance that the Council must have regard to when closing Stamford Hill Primary School and amalgamating with Tiverton Primary School is as follows: Section 15 and 16 of the Education and Inspection Act 2006, Regulations 11 and 12 of The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, and the guidance issued by the DFE “Opening and Closing Maintained Schools 2019” which provides guidance on the statutory process for school closure and amalgamation including the steps to be taken such as consultation, publication of proposals for consultation, representation period and the factors that the decision makers must have regard to when approving such proposals. When considering whether to approve the recommendations Cabinet will need to be satisfied that the consultation and representation period were appropriate, fair and open, and that the Council has given full consideration to all the responses
- 8.3. The recommendations are within the legal powers of the Council.

### **Comments of the Chief Finance Officer and financial implications**

- 8.4. The Council must also continue to parallel plan as an Academy Order was made in December 2018, the Council is still under a duty (section 5B of the Academies Act 2010) to take all reasonable steps to facilitate the conversion of Stamford Hill Primary School into an Academy. In the event the Department for Education notifies the Council that the Secretary of State is minded to enter into Academy arrangements with a specified person (i.e. has selected what is considered to be a suitable academy sponsor for the school) then the Council will be under a duty to take all reasonable steps to facilitate the making of Academy arrangements with the sponsor.
- 8.5. The proposal to establish a new primary school through an amalgamation between Stamford Hill and Tiverton Primary Schools in September 2020 is due to significant financial risk to the Council.
- 8.6. Stamford Hill Primary’s closing balance as at 31 March 2018 reported a deficit of £120,218, reducing to £46,354 as at 31 March 2019.
- 8.7. Tiverton Primary reported a surplus of £167,558 as at 31 March 2018 and closed with a deficit of £190,887 as at 31 March 2019.
- 8.8. If Council’s Cabinet were to proceed with an amalgamation then the new primary school would need to review their current cost of delivery model, ensuring that it is delivered against a balanced budget. This would entail the development of a single staffing structure for the new school.

8.9. Stamford Hill and Tiverton Primary schools are both currently facing a decline in pupil numbers which would have a significant financial implication for both schools over future years. The proposed amalgamation should bring greater financial stability by bringing together resources, synergy and value for money in delivery provision under one senior leadership structure.

8.10. There are a number of factors that should be considered if Council's Cabinet were to agree to proceed with an amalgamation following the prescribed statutory consultation and representation periods:

**A) Funding implications**

- One Dedicated School Budget from the date of amalgamation
- Currently both schools are funded for lump sum funding of £170,000 each under current soft National Funding Formula. This will therefore mean a reduction in Lump Sum funding as a result of amalgamation. However, the new school will retain the equivalent of 85% of the predecessor school's lump sums for the financial year of the amalgamation. This is subject to change if there are any alterations in the National Funding Formula for 2021/22.
- Currently there are no changes in the lump sum funding for the financial year 2020/21. The new primary school established through an amalgamation will retain 100% of lump sum funding for 7/12 from September 2020.

**B) Consolidated Structure after amalgamation**

- Both schools should prepare a combined budget before and after the amalgamation to identify any redundant costs that can be eliminated to achieve the desired savings over the longer term.
- Operational staff teams should be reviewed as part of the combined structure to calculate the actual cost of the new structure.

**C) Cash Flow Advance (Loan)**

- Stamford Hill Primary school are currently due to repay Haringey Council any outstanding cash advance upon conversion.
- At the time of conversion on the 31 August 2020, the cash advance will be not be transferred to the new school as the loan will be offset by the Council.

**D) Financial Controls and Deficit**

- Stamford Hill Primary school should deliver a balanced budget at the time of conversion, to avoid any transfer of financial burden going forward.
- Tiverton Primary School should review their current structure and complete a corporate finance approved deficit recovery plan that shows they have a sustainable position for the longer term.
- The current deficit as at 31 March 2019 for Stamford Hill Primary School was £46,354. We envisage there will be no significant changes on 31 August 2020 at the time of amalgamation and the deficit will be offset by the Council.

8.11. Haringey Council will need to put measures in place to ensure the financial budget is well controlled during any potential amalgamation process and any long-term financial commitments are avoided or require approval by the Council.

**Equalities Comments**

- 8.12. An Equalities Impact Assessment (EqIA) is attached at Appendix 4. This is an assessment of the potential impact of the proposed closure of Stamford Hill Primary School, with the displaced pupils being accommodated by Tiverton Primary School schools based on consideration of all the relevant data. The EqIA has been updated following the consultation periods to address the issues raised, however, no further issues were raised during the representation period.
- 8.13. **Service users (children at Stamford Hill)** - A comprehensive EqIA has not identified any negative impact on any of the specified Equality characteristics / protected groups which include Sex, Gender Reassignment, Age, Disability, Race & Ethnicity, Sexual Orientation, Religion or Belief (or No Belief), Pregnancy & Maternity and Marriage and Civil Partnership. In terms of pupil composition Stamford Hill shares many similar characteristics with other Haringey primary schools located in PA3 and sufficient places exist at Tiverton Primary School and other neighbouring schools to absorb displaced pupils. Moreover, all surrounding schools are judged by Ofsted to be 'good' or 'outstanding' and are able to support all children to ensure a high standard of learning.
- 8.14. **SEN** - Whilst Stamford Hill has a very low proportion of pupils with SEND, they nevertheless are a vulnerable group who could be particularly affected by closure although this could be mitigated by good transition planning. There are no children with an educational, health and care plan (EHCP) that require new transport arrangements to be made.
- 8.15. **Staffing implications** - The key equality characteristic that has emerged from the EqIA is Sex. Due to the predominance of female staff over male staff in Stamford Hill and Tiverton Primary school (a blueprint seen in primary schools across the country), they are likely to be affected in greater numbers. Linked to this equality characteristic is another, Pregnancy & Maternity.
- 8.16. In terms of mitigating the impact on both of these equality characteristics, the Council will ensure all staff affected by the proposal to close Stamford Hill primary school will be given access to redeployment options and given support to find alternative roles within Haringey. Two permanent members of teaching staff at Stamford Hill will have access to this support as the remaining are employed as agency workers. There are 14 non-teaching support staff employed by the Council that will also be supported in this way.
- 8.17. It is likely that many staff will also be anxious about changes if an amalgamation were to go ahead. Professional HR support has been made available to support these staff members to help them deal with the changes and find a way to manage and continue with their role during the transition period.
- 8.18. The LA has discussed with both schools' Governing Bodies and leadership teams the recruitment and redeployment process that will operate if amalgamation were to go ahead and what impact this might have for the staff affected, including any potential redundancy package on offer. Some posts may be at risk of redundancy, with any costs of redundancy to be met by the Council. These discussions have been held with the existing Governing Bodies and with staff and trade unions representatives as part of the consultation and representation periods. Further discussions and meetings with affected staff have also been held in January 2020 alongside the Governing Bodies' and trade unions representatives.

## 9. Use of Appendices

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1. Appendix 1 – Responses to six-week consultation on the preferred option of ‘amalgamation’ and consideration of representation
2. Appendix 2 – Responses to initial consultation on options for the future of Stamford Hill Primary and consideration of representation
3. Appendix 3 – Detailed statistical analysis and raw data from initial consultation
4. Appendix 4 – EqIA
5. Appendix 5 - Statutory guidance “Opening and Closing Maintained Schools” Nov 2019
6. Appendix 6 - Statutory notice and full statutory proposal

## **10. Local Government (Access to Information) Act 1985**

This report contains no exempt information.

### **Background**

1. Cabinet report March 2019 agreeing to commence pre-consultation
2. Cabinet report July 2019 agreeing to commence a six-week consultation
3. The Schools Standards and Framework Act 1998.
4. The Education Act 2002.
5. The Education and Inspections Act 2006.
6. Education and Skills Act 2008.
7. The School Admissions Code (December 2014).
8. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014
9. The School Admissions (Infant Class Sizes) (England) Regulations 2012.
10. The School Admissions (Appeals Arrangements) (England) Regulations 2012.
11. The Education Act 2011.
12. The School Admissions Appeals Code (2012).
13. The School Governance (Federations) (England) Regulations 2012.
14. The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013
15. School roll projections sourced from the GLA
16. School roll information, including admission information from data held within Education Services
17. National College for Teaching and Leadership “The governance of federations “(August 2014)
18. Department for Education “Opening and Closing maintained schools “(November 2019)
19. Department for Education “Making significant changes (‘prescribed alterations’) to maintained schools” (October 2018).