

MEETING:	CABINET
DATE:	21 JANUARY 2010
TITLE OF REPORT:	AMALGAMATION OF LEOMINSTER INFANT AND JUNIOR SCHOOLS
PORTFOLIO AREA:	ICT, EDUCATION AND ACHIEVEMENT

CLASSIFICATION: Open

Wards Affected

Leominster North

Leominster South

Purpose

To receive a report on statutory consultation undertaken for the amalgamation of Leominster Infant and Junior Schools from September 2012, as proposed in the Council's Primary Strategy for Change.

Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the County.

It was included in the Forward Plan.

Recommendation(s)

THAT Cabinet:

- (a) **Agree to continue the statutory process for the amalgamation of Leominster Infant and Leominster Junior Schools to form a new primary school with 630 places for children aged 4 to 11 and 26 full time equivalent places for 3 year olds. If agreed, to then;**
- (b) **seek the approval of the Secretary of State to establish the new primary school as a Community (Local Authority run) school, and;**
- (c) **agree to the publication of the required statutory notices, as necessary.**

Alternative Options

- 1 (a) Not pursue the statutory process for the amalgamation of Leominster Infant and Junior Schools. However, amalgamation of these schools to form an all through primary

Further information on the subject of this report is available from
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school is part of the Council's approved Primary Strategy for Change which identifies the amalgamation of these schools as the Council's highest priority for capital investment. If the schools are not amalgamated, the Council's approved investment priorities will need to be reconsidered and revised. The availability of the Government's grant funding is time limited and it is probable that an alternative capital investment scheme could not be developed in time to meet the grant expenditure deadline. There would therefore be a serious risk of losing the £7.8 million grant that has been prioritised to this scheme by the Council.

- (b) The alternative to seeking the approval of the Secretary of State to establish the new primary school as a Community (Local Authority run) school is for the Local Authority to establish and run a competitive process open to other organisations that may be interested in running the new primary school. There is a presumption by Government that all new schools should be subject to the competition process. However, Ministers have also indicated a presumption that exception to competition will be given if the new school is to be created by a straightforward amalgamation of an infant and junior school. The response to the consultation is firmly in favour of the Council seeking the approval of the Secretary of State to establish the new primary school as a Community school.

Reasons for Recommendations

- 2 All three recommendations support the Council's approved Primary Strategy for Change and reflect the positive response to the consultation undertaken on the proposed amalgamation of Leominster Infant and Junior Schools to create a new community primary school.

Introduction and Background

- 3 To help inform the Primary Strategy for Change, the Council undertook a public consultation in the summer of 2008 which included a number of options for capital investment in primary schools. The favoured option incorporated into the Primary Strategy for Change is to invest in a new primary school for Leominster through the amalgamation of the current infant and junior schools. Further consultation has been conducted with stakeholders between 28th September 2009 and 9th November 2009 as a requirement of the statutory process for school reorganisation.

Key Considerations

- 1. Following public consultation in the summer of 2008, Herefordshire Council's Primary Strategy for Change proposes that the Council invest £7.8 million in an amalgamation of the current Infant and Junior schools to create a modern new 630 place, plus 26 full time equivalent nursery place community primary school for children from ages 3 to 11, subject to further consultation with the existing schools' governing bodies and other stakeholders as part of the statutory process for amalgamation. The capacity of the proposed new school is equivalent to the capacity of the current infant and junior schools and matches the current and forecast demand for places in the town.
- 2. Further consultation with governors, staff, pupils, parents, carers and the wider community took place between 28th September and 9th November 2009. The follow key considerations were shared with consultees:
- 3. The Government is giving Herefordshire Council a limited amount of money over the next 14 years to replace around 5% of its primary schools and refurbish another 45%. It is funding this through the Government's Primary Capital Programme. Herefordshire Council wants to

ensure that it gets the best possible value from this funding. The creation of an all through (ages 3 to 11) primary school will provide the most cost effective use of the available funds and offers the opportunity to build on the strengths of both schools. A new primary school will build on the existing linkages between the schools. Herefordshire Council and the governing bodies of both schools feel that the proposal is in the best long-term interest of the children and their families. A primary school catering for all ages from 3 to 11 would also provide the following benefits:

- Consistency of policy, planning and procedures throughout the school.
 - Parents would only have to communicate with one school.
 - Opportunities for more effective use of resources.
 - Greater sharing of teacher expertise across Key Stages and broader opportunities for teachers' continuing professional development.
 - Easier to 'track' children's progress and attainment in one school.
4. The new school would be located either on, or adjacent to, the existing site and would be funded by Herefordshire Council's Primary Capital Programme. The proposal will allow Herefordshire Council to carry out its wish to replace the existing schools' buildings, some of which are in poor condition and expensive to maintain. A new building will provide more energy efficient, lower maintenance, modern teaching and learning facilities, fit for the 21st Century. It will help teachers, other school staff and governors to continue improving the good standards already being achieved by pupils at the existing schools. It is an opportunity to build upon the current successes and strengths of both schools to ensure the young people of Leominster can benefit from the best facilities and opportunities.
 5. The amalgamation would be achieved by the formal closure of the Infant and Junior Schools and the opening of a brand new, purpose built, primary school on or adjacent to the existing school sites in September 2012.
 6. The Government wants to see more schools run by bodies other than local authorities, such as businesses, charities, universities, parents groups or perhaps a consortium of any two or more of these. It expects the local authority to run a competition between bodies which are interested in running new schools and then, through a competition process, to select the most appropriate body to run the new school. However, where the new school will be the result of a straightforward amalgamation of an infant and junior school, Ministers have said that they will consider an exemption to this competition process.
 7. The result of the consultation with stakeholders supports the view that Herefordshire Council should ask the Secretary of State for an exemption from competition, so that the new school will be a local authority run Community School, like the current infant and junior schools. If approved by Cabinet, officers will seek this exemption on the grounds that it is a straightforward amalgamation of an infant school and a junior school; the standards at the current schools are judged 'good' by Ofsted; and there is already a good diversity of schools in the Leominster schools' cluster.
 8. All pupils who would be attending either Leominster Infant School or Leominster Junior School in September 2012 would automatically be enrolled within the new primary school. After September 2012, pupils would not need to transfer between schools at age seven as they currently do. A single primary school would provide for easier continuity of education between Key Stage 1 and Key Stage 2; it would operate under a single set of policies and procedures with a single Headteacher accountable for children's progress and development.

9. There will be staffing implications. Legally, the existing Infant and Junior Schools would close and a new primary school would open. The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) would apply and Herefordshire Council would support staff collectively and individually through the process and involve and work with trades unions and professional representatives as part of this process. The closure of the existing schools would give rise to a potential redundancy situation for staff, although it is anticipated that the majority of staff would be appointed to the staffing structure of the new school under the TUPE regulations. However, this cannot be guaranteed. In the event that staff are displaced, every option would be explored to secure suitable alternative employment for such staff and to mitigate the circumstances of redundancy. As this proposal to amalgamate has arisen as a result of an initiative of Herefordshire Council, legislation requires that any statutory costs arising from any potential redundancy and consequent early retirement would be met by Herefordshire Council. Payment would be made in accordance with Council policy.
10. There would also be implications for governance of a new school, which will be subject to the statutory regulations and guidance on school governance. A Temporary Governing Body would be established, consisting of governors from each of the existing schools. The timetable identified by the Local Authority would see a Temporary Governing Body established from September 2011, 12 months before the new primary school is scheduled to open. The role of the Temporary Governing Body is to establish the ethos and policies for the new school and to appoint a Headteacher. The Temporary Governing Body remains in place until the end of the first school term after the new school opens, at which point the substantive Governing Body for the school is established.
11. The results from this second round of consultation show significant support for the proposal to amalgamate the schools to form a new Community primary school:
12. There were 103 responses including a comprehensive survey of opinion that was researched and compiled by the Leominster Junior School Council on behalf of their fellow Junior school pupils and verbal feedback, on behalf of their fellow pupils, which was recorded from the Leominster Infant School Council. Officers wish to take this opportunity to thank the pupils and councils of both schools, and the staff who supported them, for their enthusiasm, hard work and quality of their well considered and reasoned responses.
13. 73 (71%) of respondents support the proposal to amalgamate the schools to form a new purpose built primary school. 20 (19%) are not in favour of the proposal and 8 (8%) are undecided.
14. 66 respondents expressed a view about the proposal for the new primary school to be a Community (Local Authority run) school. Of these, 49 (74%) are in favour of the new school being a Community school, 4 (6%) are against the proposal and 13 (20%) are undecided.

Community Impact

15. The amalgamation of Leominster Infant and Junior schools will allow the provision of a new purpose built primary school to through the amalgamation of the current infant and junior schools. It will help teachers, other school staff and governors to continue improving the good standards already being achieved by pupils at the existing schools. It is an opportunity to build upon the current successes and strengths of both schools to ensure the young people of Leominster can benefit from the best possible facilities and opportunities.
16. The design and specific location of a new built school, either on or adjacent to the existing schools sites, will require further consideration and will be subject to consultation with stakeholders, including the local community, as part of the design and planning processes.

Financial Implications

17. The Council's approved Primary Strategy for Change allocates £7.8 million from the Government grant funded Primary Capital Programme to deliver a new build primary school.

Legal Implications

18. The establishment of a new school, including a new school that is established through the amalgamation of two or more exiting schools, is permitted by and subject to the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment) (England) Regulations 2009 which came into force on 1 September 2009).

Risk Management

19. There are no risks to Herefordshire Council if the recommendations are approved. If Cabinet agree to continue the statutory process for amalgamation there is a further representation stage following the publication of a statutory notice. At the end of the representation stage, the Local Authority must provide the Schools Adjudicator with a report on its proposal to amalgamate, together with details of representations made in response to the statutory notice and the Local Authority's comments on those representations. As the Local Authority will be proposing the new school, the final decision on the closure of the existing schools to form a new primary school will rest with the Schools Adjudicator.
20. Seeking the approval of the Secretary of State to exemption from the competition process to establish a new Community primary school does not in itself pose a risk. Indeed Government guidance quotes that "there is 'presumption for approval' for infant/junior amalgamations....., because Ministers have indicated, during debates in Parliament, that they may be prepared to give consent in these cases, for publication of proposals without holding a competition." However, approval is not guaranteed and so there is a risk that the Secretary of State could refuse exemption from competition.
21. If exemption from competition is refused, then a further round of consultation will be necessary on a proposal to either establish a new school through a competitive process or to close one of the schools and extend the age range of the other school. By extending the age range of one of the schools to cover the full age range from 3 to 11, the Local Authority would not be establishing a new school. The Children & Young People's Directorate would need to resource this further round of consultation and if a new school is to be established through the competition process, the Directorate would also have to fund the administration of the competition process. The Department for Children Schools and Families is able to provide some consultancy support for the competition process, but it would demand the investment of a significant amount of officer time at all levels.
22. The competition process takes a minimum of 8 months to complete. To mitigate against a refusal for exemption to competition, the local authority is working in close partnership with the current schools and can, from the consultation it has undertaken, evidence support for the new school to be a Community school. It is a straightforward amalgamation of the current Community Infant school and Community Junior school; the standards at the current schools are judged 'good' by Ofsted; and there is already a good diversity of schools in the Leominster schools' cluster.

23. If Cabinet does not agree to continue with the statutory process for amalgamation, or if at the end of the process the Schools Adjudicator rejects the proposal to amalgamate, then the Council's approved investment priorities will need to be reconsidered and revised. The availability of the Government's grant funding is time limited and it is probable that an alternative capital investment scheme could not be developed in time to meet the grant expenditure deadline. There would therefore be a serious risk of losing the £7.8 million Government grant that has been prioritised to this scheme.

Consultees

24. The first round of public consultation took place in the summer of 2008 to help establish the priorities for capital investment through Herefordshire's Primary Strategy for Change. The consultation sought views on a number of options for capital investment in primary schools.
25. Following that consultation the favoured option incorporated into Herefordshire's Primary Strategy for Change is to invest in a new primary school for Leominster through the amalgamation of the current infant and junior schools. Between 28th September 2009 and 9th November 2009, further consultation has been conducted, as a requirement of the statutory process for school reorganisation, with staff and governors of the infant and junior schools and also parents/carers and children at the current schools.
26. Consultees were provided with an information leaflet and response form. Officers held meetings with staff and governors and with the Infant and Junior Schools' Councils, attended school open days and parents evenings and made themselves available at the current schools to help inform parents/carers about the proposal and to answer questions and address concerns. In addition, officers set up and attended displays in two supermarkets in Leominster to provide information and again answer questions and address concerns.
27. Although the consultation has been about seeking stakeholder views on amalgamation, neighbours of the school have expressed interest in and concern about what a new school may look like and the location of a new school building. If Cabinet agrees to continue with the statutory amalgamation process, then all stakeholders, including neighbours of the schools and the wider community will be invited to further consultation events on the siting and design of a new school building and of course the final design will be subject to the usual planning processes.

Appendices

None

Background Papers

- Herefordshire Primary Strategy for Change