

CABINET MEMBER FOR CHILDREN'S SERVICES Cllr Laura Mayes

SERVICE AREA CHILDREN'S SERVICES

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REFERENCE: (Dem Services will insert this)

Amendment to Statutory Notice regarding the amalgamation and relocation of St Mary's Infant School and St Peter's Junior School, Marlborough

1. Purpose of Report

To ask the Cabinet Member to approve the statutory proposal published by Salisbury Diocesan Board of Education and the governing bodies of St Mary's CEVC Infant School and St Peter's CEVC Junior School on 26 February 2016. The amended notice seeks to de-couple the previous linked notice whereby the new school formed by amalgamation of the Infant and Junior schools would operate from the proposed new building from 1 September 2016. The amended notice proposes that the two schools will continue to amalgamate to form the Marlborough St. Mary's CEVC Primary School with effect from 1 September 2016 but will operate from the two existing separate sites for a year, until the new building is constructed and ready for occupation. The new Marlborough St. Mary's CEVC Primary School will then relocate to the planned new building at George Lane, Marlborough, Wiltshire, with effect from 1 September 2017.

2. Relevance to the Council's Business Plan

The Local Authority has a statutory duty to ensure effective school organisation and sufficient school places are provided across the Council area.

3. Main Considerations for the Council

The decision to amalgamate St Mary's CEVC Infant School and St Peter's CEVC Junior School to form a single new primary school was taken in December 2014. That decision intended that the new school, Marlborough St Mary's CEVC Primary School, would open in a new building in September 2016.

Unfortunately the timescale for completing the building project, which is being managed and delivered by the Education Funding Agency (EFA), has been delayed and the new building is now expected to be open and operational in September 2017.

The governing bodies of both schools and the Diocese of Salisbury wish to continue with the amalgamation of the two schools to form a single new primary school in September 2016 and operate from the two existing school sites until the new building is completed and then move as one school into the new building in September 2017.

A decision needs to be taken no later than 4th April 2016 in order that the necessary HR arrangements can be put in place to ensure the appointment of a head teacher from 1 September 2016, for the new school.

4. Background

At the time of the original consultation and statutory notice the construction of the new school had a target completion of September 2016. However, this has been delayed for a variety of reasons and now completion of the new school building is expected in time for the new school year in September 2017. In light of this programme change a further period of consultation and publication of an amended statutory notice were required as the original decision linked the timing of the amalgamation with the opening of a new school building.

A further period of consultation has therefore been undertaken with all relevant stakeholders during January and February 2016, and of the small number of responses received, 100% were supportive of the proposal to proceed with the amalgamation in September 2016 and to move into the new school building a year later in September 2017.

Following consultation, a Statutory Notice proposing to amend the original decision by de-coupling the amalgamation of the two schools to form a single primary school, from the move to the new building, was published on 26th February 2016.

In line with Department for Education (DfE) guidance the Statutory Notice provided a period of 4 weeks for receipt of any comment on the proposal. The 4 week period ended on 25th March 2016. A copy of the Statutory Notice is available at Appendix A.

There has been good support for the proposal to progress with the amalgamation of the two schools in September 2016 and relocate to the new building a year later, in September 2017. No objections to the proposed amendment have been received.

5. Overview & Scrutiny Engagement

Not applicable

6. Safeguarding Implications

There are no safeguarding implications of implementing the change proposed – the services offered to children at these schools will continue under one head teacher and governing body.

7. Public Health Implications

There are no public health implications associated with this decision.

8. Procurement Implications

There are no procurement implications for Wiltshire Council associated with this decision. The procurement, management and delivery of the new school building in Marlborough, is the responsibility of the Education Funding Agency.

9. Equalities Impact of the Proposal

There are no adverse equalities implications of implementing the proposed change as the same locations and the same entitlements remain in place after the change. Equality of opportunity will be improved when the school relocates to its new building in 2017, as the new building will be fully accessible.

10. Environmental and Climate Change Considerations

There are no environmental implications of implementing the proposed decision which is one of timescale. The new building to be constructed on the St Mary's site will meet all of the energy and thermal standards required by current Building Regulations

11. Risk Assessment

Risks that may arise if the proposed decision is not taken

- a. If a decision to amend the original decision which linked the timing of the amalgamation of the two schools to the completion of the new school building is not taken, then the amalgamation will be delayed by a year and cannot be implemented until September 2017.
- b. A delay in implementing the amalgamation could jeopardise an effective transition for both schools who have been working in partnership towards amalgamation in September 2016 and would create a continuing period of uncertainty for staff and pupils.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- a. If the proposed amendment is approved then the governing body of the new primary school will be able to implement the changes required in order to appoint a head teacher and senior leadership team (including application of TUPE legislation) for the new school wef September 2016, with the support of specialist Council staff.
- b. The delivery of the new school building will continue as a separate project alongside the amalgamation and the new school will relocate into its new accommodation in September 2017.

12. Financial Implications

From an Fiannce perspective the team has been working with both schools and they are aware of the revenue implications of the amalgamation. As you say this is just about timing. The revenue implications are within the Dedicated Schools Grant and ultimately there will be an overall saving.

13. Legal Implications

Under the Education and Inspections Act 2006 (as amended by the Education Act 2011), most new schools are now established via the Academy/Free School route. However, in limited circumstances the establishment of a new maintained school can be proposed, in some cases requiring the Secretary of State's consent and in others

not. This amalgamation of two faith schools falls within the scope of those limited circumstances and does not require consent from the Secretary of State to proceed.

As these changes are proposed by the Governing Bodies of the two schools the decision maker is the Local Authority. Changes to Maintained schools such as those proposed at St Mary's Infant and St Peter's Junior Schools are governed by The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 ("Establishment and Discontinuance Regulations"). When exercising functions under these regulations regard must be had to guidance published by the Department for Education (DfE), including School Organisation Maintained Schools: Guidance for proposers and decision-makers. The modification of the original proposals as set out in the report follows the guidance.

The Cabinet member, as decision maker will need to have regard to a list of factors included in further guidance, namely School Organisation Maintained Schools Annex B Guidance for Decision Makers, particularly paragraphs 10 to 78 (A copy has been placed in the Cabinet Room). The DfE does not prescribe the decision making process, commenting that the factors listed in the guidance "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."

Consideration has been given to whether or not there are any ethical or governance issues or any Human Rights implications, and none have been identified.

14. Options Considered

At the time of the original consultation and statutory notice the construction of the new school had a target completion of September 2016. However, this has been delayed for a variety of reasons and now completion of the new school building is expected in time for the new school year in September 2017. The options are

- a. to continue with the amalgamation of the two schools to form the single new primary school in September 2016 as originally intended and seek to amend the Statutory Notice, which linked the amalgamation timing with a move to a new school building, to enable the new school to operate for a year from the two existing school buildings, and move to the new building when completed in 2017. This is the preferred option.
- b. to delay the amalgamation of the two schools by a year, until September 2017, when the new school building is planned to be completed.

15. Reason for Proposal

The decision to amalgamate St Mary's CEVC Infant School and St Peter's CEVC Junior School to form a single new primary school was taken in December 2014. That decision intended that the new school, Marlborough St Mary's CEVC Primary School, would open in a new building in September 2016.

At the time of the original consultation and statutory notice the construction of the new school had a target completion of September 2016. However, this has been delayed for

a variety of reasons and now completion of the new school building is expected in time for the new school year in September 2017. In light of this programme change a further period of consultation and publication of an amended statutory notice were required as the original decision linked the timing of the amalgamation with the opening of a new school building.

16. Proposal

That the amalgamation of St Mary's CEVC Infants School and St Peter's CEVC Junior School is implemented wef 1 September 2016 and that the new Marlborough St Mary's CEVC Primary School will operate from the two existing school sites until the new school building is completed in 2017.

The following unpublished documents have been relied on in the preparation of this report:

- Consultation document circulated to parents, staff, governing bodies and others in January and February 2016.
- Background details prepared for the Statutory Notice published on 26 February 2016