

Report to:	Cabinet	Date of Meeting:	3 October 2019
Subject:	St Teresa's Catholic Infant School – Proposal to Commence Statutory Consultation		
Report of:	Head of Education Excellence	Wards Affected:	Birkdale and neighbouring wards where pupils reside
Portfolio:	Cabinet Member - Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

The Governing body of St Teresa's Catholic Infant School have written to the local authority stating that they have been unable to set a balanced budget and requesting that the possibility of a merger with their neighbouring Catholic primary school, Our Lady of Lourdes Catholic Primary School, be explored.

The purpose of this report is to provide background information relating to St Teresa's Catholic Infant School and to seek approval for the commencement of the statutory consultation process on the future of the school.

Recommendations:

Cabinet is asked to:

- 1) Note the request from the Governing body of St Teresa's Infant School;
- 2) Note the statutory process outlined in the report;
- 3) Approve the commencement of the statutory consultation process relating to the operation of St Teresa's Infant School with effect from 1st September 2020.

Reasons for the Recommendation(s):

The Local Authority has the statutory power to close a maintained school following the statutory process detailed in the report.

Alternative Options Considered and Rejected: (including any Risk Implications)

All options will be explored through the consultation process and recommendations presented back to Cabinet at its conclusion.

What will it cost and how will it be financed?

(A) Revenue Costs

Revenue implications are outlined in section 2 of this report.

(B) Capital Costs

N/A

Implications of the Proposals:

The following implications of this proposal have been considered and where there are specific implications, these are set out as follows:

Resource Implications (Financial, IT, Staffing and Assets: Meetings will be held with staff in the school and with trade union representatives as part of the consultation process.
Legal Implications: The consultation on the proposal will be carried out in accordance with the requirements of the School Organisation (Establishment and Discontinuance of Schools) Regulation 2013.
Equality Implications: There are no equality implications

Contribution to the Council’s Core Purpose:

Protect the most vulnerable
Facilitate confident and resilient communities
Commission, broker and provide core services
Place – leadership and influencer
Drivers of change and reform
Facilitate sustainable economic prosperity
Greater income for social investment
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Finance and ICT (FD 5799/19) and Head of Corporate Legal Services (LD 4023/19) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Public consultation on the proposal will take place in accordance with statutory requirements.

Implementation Date for the Decision

Immediately following the expiry of the “call-in” period for the Minutes of the Cabinet meeting.

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Background Papers:

Opening and closing maintained schools: statutory guidance for proposers and decision-makers, November 2018, Department for Education.

1.0 Background

- 1.1 St Teresa's Catholic Infant School has suffered from falling pupil numbers since receiving a poor Ofsted judgement. They have never fully recovered from this even after achieving a good Ofsted judgement in February 2018. There has also been a decline in the nursery/infant age population in the area which has exacerbated the problem.
- 1.2 Governing bodies have a duty to set a balanced budget each year and the Governing Body of St Teresa's Catholic Infant School has worked hard to reduce costs and set a balanced budget.
- 1.3 The Governing Body of St Teresa's Catholic Infant School met on 19th June 2019 to consider the financial position of the school going forward in the light of no foreseeable increase in pupil numbers and increasing cost. They concluded that they were unable to set a balanced budget. On 25th June 2019 the Chair of Governors wrote to the Head of Schools and Families to request approval for a deficit budget for 2019/20. In the letter they also requested that the possibility of a merger with Our Lady of Lourdes Catholic Primary School be explored.

2.0 Financial Position

- 2.1 St Teresa's Catholic Primary School has a forecast deficit for 2019/20 of £0.066m. This is after reducing its budgets, as far as possible and after agreeing to share a Headteacher from September 2019 with Our Lady of Lourdes Catholic Primary School. The school has seen declining numbers in recent years leading to reduced funding. Without further changes to funding or actions to address an overspend position, the school is expected to have a cumulative deficit of £0.042m by the end of 2020/21.
- 2.2 Our Lady of Lourdes Catholic Primary School has a forecast surplus balance of £0.201m in 2019/20, but is expected to go into a deficit position of £0.035m by the end of 2020/21.
- 2.3 Both schools would therefore be in a combined deficit position of £0.077m by 2020/21, without extra funding or by reducing costs.

3.0 Options

- 3.1 Options to be explored as part of the consultation process include:
 - St Teresa's School to merge with Our Lady of Lourdes Catholic Primary School but continuing to operate from both sites;
 - A merger with Our Lady of Lourdes with all pupils located on the Our Lady of Lourdes site on Grantham Road; or
 - Closure of St Teresa's Infant School.

4.0 Standards

4.1 St Teresa's Catholic Infant School was rated good at its last Ofsted inspection in February 2018.

5.0 Pupil Places

5.1 The capacity of the school is 90 (Reception to Y2). In May 2019 (School Census return) the school had the following number of pupils on roll which means that they had 61% surplus places:

Reception	Year 1	Year 2	Total
16	17	22	55

In addition, the school has a 30 place nursery class which also has empty places.

Births in the Southport area have declined over the last few years and the latest school capacity return (SCAP 2019) shows that there are 491 (7.23%) surplus places in primary schools in the area. However, there are still a few schools in Southport admitting pupils in excess of their capacity.

6.0 Statutory Process and Outline Timescale

6.1 Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. To help them meet these duties and restructure local provision they have the power to close all categories of maintained schools.

6.2 The Department for Education guidance "Opening and closing maintained schools: statutory guidance for proposers and decision-makers", states that in order to amalgamate or merge two or more existing maintained schools the local authority can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed. The statutory process for this would be the same as for a closure proposal and is detailed in 6.3 below.

6.3 The statutory process has five stages:

Stage 1	Consultation	No prescribed timescale (minimum of 6 weeks recommended: school holidays should be taken into consideration and avoided where possible). Likely to be no longer than 12 months.
Stage 2	Publication	1 day
Stage 3	Representation	Must be 4 weeks (this is prescribed in legislation and cannot be shortened or lengthened).
Stage 4	Decision	LA should decide a proposal within 2

		months otherwise it will fall to the Schools Adjudicator. Where permitted appeals must be made within 4 weeks of the decision.
Stage 5	Implementation	No prescribed timetable – but must be as specified in the published notice, subject to any modifications agreed by the decision-maker

6.4 Under section 16(3) of the Education and Inspections Act 2006 a proposer of a school closure must have regard to any guidance issued by the Secretary of State. The Secretary of State considers that these bodies listed below should be consulted in the case of the proposed closure of schools:

- Local Authority (as appropriate);
- The registered parents of registered pupils at the school;
- where the Local Authority is a county council the local district or parish council where the school that is the subject to the proposal is situated;
- in the case of a special school – any Local Authority which maintains a an EHC plan or statement of special educational needs in respect of a registered pupil at the school;
- the Governing Body (as appropriate);
- pupils at the school;
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group;
- the trustees of the school (if any);
- teachers and other staff at the school;
- any Local Authority likely to be affected by the proposal, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- parents of any pupils at other schools who may be affected by the proposal including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school; and representatives of any trade union of staff at other schools who may be affected by the proposal;
- MPs whose constituencies include the school that is the subject of the proposal or whose constituents are likely to be affected by the proposal; and
- Any other interested body/person that the proposer thinks is appropriate.

6.5 The consultation will consist of meetings with staff, governors and families and provide the opportunity for discussion and written representation. Following the consultation Members will receive a report which will consider the outcome of the consultation as well as detail on pupil numbers and admissions, arrangements for displaced pupils, community impact, impact on denominational provision and any implications for adjacent schools.

7.0 Consultation Proposal

- 7.1 Given the financial position of the school beyond the current financial year the consultation proposal will be to implement the preferred and recommended approach from 1st September 2020.
- 7.2 The consultation process will enable all stakeholders to express their views which will be considered by the decision-maker as part of the process. It will also be used to develop proposals to meet the needs of pupils who may be affected.