

 <p>Brent</p>	<p>Cabinet</p> <p>8 February 2016</p> <p>Report from the Strategic Director Children and Young People</p>
<p>Wards Affected: Alperton/ Tokyngton / Wembley Central</p>	
<p>Determination of the proposal to amalgamate Lyon Park Infant School and Lyon Park Junior School from April 2016</p>	

1. Summary

- 1.1. The alteration to permanently amalgamate Lyon Park Infant School and Lyon Park Junior School by April 2016 has been proposed by the Governing Body of Lyon Park Infant and Junior Schools. This is in line with the School Place Planning Strategy 2014 -18 which was approved by Cabinet in October 2014.
- 1.2. This report informs the Cabinet of the outcome of the statutory consultation on the proposal to alter the Lyon Park Schools.
- 1.3. The representation period on the proposal ended on 24 December 2015. This report also informs the Cabinet of the responses to the informal and formal consultations.

2. Recommendations

- 2.1. The Cabinet is recommended to:

Approve the amalgamation of Lyon Park Infant and Lyon Park Junior Schools, which are community schools, from April 2016. The new school will be known as Lyon Park Primary School.

3. Background

- 3.1 The October 2014 School Place Planning Strategy 2014-18 report secured the in-principle support of Cabinet (subject to statutory consultation and later decision-making) to the amalgamation (combining) of infant and junior schools in line with principle 5 of the strategy.

Principle 5: We will work towards the amalgamation of separate infants and junior schools

In November 2015, the Cabinet approved the refresh of the School Place Planning Strategy 2014-18 and confirmed the underlying operating principles. Ideally amalgamation will take place in partnership with the governing bodies when the opportunity presents itself, for example a headship vacancy at one of the schools.

- 3.2 Lyon Park Infants and Lyon Park Juniors are currently two separate schools that are governed by a single federated governing body and led by one Executive Headteacher. The substantive Executive Headteacher is currently employed by the Infant school, however the costs of her employment are shared by both schools.
- 3.3 The federated governing body of Lyon Park Infants and Juniors agreed to formally consult on amalgamation in Autumn 2015.

The proposal in relation to educational standards

- 3.4 At their most recent inspections, both the infant school and the junior school were judged good by Ofsted. The junior school was inspected in May 2013 and the infant school in December 2013.
- 3.5 Lyon Park Infant School's attainment at the end of Key Stage 1 for the last three years, 2013 to 2015, has been at or close to the national averages for reading, writing and mathematics. The proportion of Year 1 pupils meeting the required standards in phonics has been consistently above the national average for the last three years, and the proportion of children attaining a good level of development by the end of the Early Years Foundation Stage has been at or very close to the national average.
- 3.6 The proportion of pupils attaining Level 4 at the end of Key Stage 2 in reading, writing and mathematics combined at Lyon Park Junior School has been below the national average for the last three years and fell to 65 per cent in 2015. The proportion of pupils making the expected two levels of progress at Key Stage 2 has been at or close to the national averages for the last three years in reading, writing and mathematics. The number of pupils entered for national curriculum tests at Lyon Park Junior School has increased because of the school's annexe providing additional places for Year 5 and Year 6 Brent resident children who have recently arrived in the borough. This increased mobility into the later Primary years has had an impact on the overall attainment data for the school for Year 6.

4. Detail

- 4.1 Lyon Park Infant School, Vincent Road, Wembley, HA0 4HH, is a community school located between Wembley and Alperton. It provides 360 school places to boys and girls between the age of 4 -7. There is also a nursery with 80 part time places.
- 4.2 Lyon Park Junior School is on the same site as the infant school and is also a community school. It provides 480 school places to boys and girls between the ages of 7-11. In addition, during the 2014/15 academic year the Junior school agreed to the request from the Council to manage temporary provision on the Douglas Avenue site. This site currently has three temporary / bulge classes: Year 5 with 21 pupils and Year 6 with 53 pupils, a total of 74 pupils as at 18 December 2015. From September 2017 the maximum pupil intake at the combined school should return to 840 pupils.

- 4.3 The Lyon Park Schools are situated in Planning Area 3 in the south west of the borough (Appendix 1).
- 4.4 The combined strengths of amalgamated schools, coupled with the educational advantages, has led to the proposal to combine Lyon Park Infant and Junior Schools. The combined school would be known as the Lyon Park Primary School.
- 4.5 Brent Council and the governing body of the Lyon Park Infant and Junior School Federation are proposing to amalgamate both schools from April 2016. This would create an all-through primary school providing places for 80 nursery children and 840 school pupils. The school would be four forms of entry (4FE) i.e. four classes in each year group from Reception to Year 6. All pupils attending the schools as at March 2016 will automatically have places at the amalgamated primary school in April 2016. The school would remain a Brent Local Education Authority community school.
- 4.6 No change to the existing SEN provision is being proposed. The proposal will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed amalgamation. The proposal will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

Table 1: The proposed number of places in Lyon Park Primary School 2015- 2016

	8 February 2016	1 April 2016
Nursery	80	80
Infant school	360	0
Junior school	480 +74 = 554	0
Primary school	0	840 +74 = 914
TOTAL	994	994

How the schools will amalgamate / combine

- 4.7 When two schools amalgamate at least one of the schools must close; there are three possible options:
1. Close both schools and establish a new Lyon Park Primary School
 2. Close Lyon Park Infant School and expand Lyon Park Junior School into Lyon Park Primary School
 3. Close Lyon Park Junior School and expand Lyon Park Infant School into Lyon Park Primary School
- 4.8 Brent Council is proposing **option 3** - to close Lyon Park Junior School and expand Lyon Park Infant School into Lyon Park Primary School for the following reasons:
- Practicality: The substantive executive head is currently employed by the Infant School but paid for by both schools.

- Attainment: End of key stage attainment at the infant school when compared to national averages than the junior school's end of key stage attainment, as outlined in paragraph 3.5 and 3.6.
- Job Security: The schools are already operating as one school. There are no planned changes to the structuring of staff on amalgamation.

4.9 The headteacher and federated governing body support option 3 also.

The advantages of amalgamating / combining schools

4.10 There are currently five infant and junior schools across Brent (Lyon Parks, Malorees, Mount Stewarts, Roe Greens, Carlton Vale Infants and Kilburn Park Juniors, but the vast majority of children in the borough are taught in all-through primary schools. Children can, and do benefit from a good education in either system, but there are acknowledged benefits to an all-through primary school.

4.11 An overall advantage is that primary schools provide the best opportunity for continuity and coherence in a child's educational experience.

4.12 There are many other advantages affecting all areas of the school community:

4.12.1 Education

- No unsettling transition between schools after Year 2 for pupils.
- Increased stability, security and confidence can be built on more easily as the children are all in the same school with one set of rules, rewards and curriculum.
- Greater continuity for the most vulnerable children and those with special educational needs, including gifted and talented pupils.
- Wider opportunities for social development and interaction with a wider range of age groups for children ; including older pupils having some appropriate pastoral responsibilities.
- Continuous and coherent delivery of the curriculum with the same teaching and learning methods throughout the school.
- Effective monitoring of progress and learning across the whole 3-11 age range.
- With good planning, the school building and structures can be developed to ensure the safety of children and the establishment of small units within the larger organisation so that children and staff have a sense of belonging.

4.12.2 Families

- Consistent parental involvement throughout the primary phase of education through longer-term relationships with families within one institution.
- Simplified communication between school and parents with children in both schools; duplication would be removed and a joined up approach for events, training and other matters.
- There is no need to apply for junior school.
- The governing body would be required to reconstitute. This provides an opportunity for parents to participate in the running of the school.

4.12.3 Leadership and governance

- The potential for a single leadership to give vision and promote continuity and progression of learning between 3 and 11.
- Recruitment and retention of a single strong governing body.
- Further enhancing consistency of approaches to inclusion and well being.

4.12.4 Staff

- Opportunities for career development through the sharing of a wider range of expertise and possibilities for working between Key Stage 1 and Key Stage 2.
- Utilising administrative staff knowledge, skills and specific expertise more fully across the amalgamated school. Continuous assessment, tracking and target-setting procedures for the entire primary phase of education.
- Opportunities to use the accommodation of both schools more effectively to support teaching and learning.
- Opportunities to promote staff for curriculum development and other school initiatives.

4.12.5 Resources

- Scope for greater flexibility in use of money - a larger school would provide more options in premises, finances and staffing which would help the school maintain greater flexibility to ensure the best provision possible for our children
- Greater power for negotiating contracts - for example catering
- Better facilities such as computer suites or better library provision would bring greater benefits for the children.

The leadership process for amalgamating / combining schools

- 4.13 Usually to successfully combine schools significant consultation between school leaders, parents and the Council is required. Subject to consultation with all interested parties a new staffing structure would be developed by the headteacher and governing body to reflect the needs of the combined school. The process of Federation at Lyon Park Infant and Junior Schools has meant that much of this work has already taken place.
- 4.14 The schools are already operating as one school. There are no planned changes to the structuring of staff on amalgamation. Several posts have been appointed across the federation for example Executive Headteacher, School Business Manager, IT Manager, one of the Assistant Headteachers and Subject Leaders for the core subjects. The staffing structure will continue to be reviewed regularly to make sure it meets the needs of the school.
- 4.15 During consultation and until the date of amalgamation the current federated governing body will continue to fulfil its duties. Once amalgamation has been agreed a shadow governing body will be established to make decisions about the amalgamated school i.e. staffing, budget, etc. The membership of this body can include members of the existing governing body. A new governing body for the amalgamated school should be constituted under the School Governance (Constitution) (England) Regulations 2012 (as amended by the 2014 Regulations) On the date of amalgamation the current governing body will formally dissolve and the new governing body becomes responsible for the school.

- 4.16 A timeline would be agreed for any parent and staff governor elections, and for local authority and co-opted governor appointments to the newly constituted governing body.
- 4.17 The Lyon Park school accommodation will not change significantly, however the governing body has discussed changes to the staff room. The school has been informed that the Council would not be in a position to fund the works.

Statutory Consultation Process – Four Stages

Pre- statutory consultation (informal)

- 4.18 The statutory school expansion process has four stages - Stage 1 Publication, Stage 2 Representation (formal consultation), Stage 3 Decision, Stage 4 Implementation. The informal consultation carried out by Brent Council prior to Publication is not legally required but is good practice as quoted by the Department for Education below:

‘Although there is no longer a prescribed ‘pre-publication’ consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.’

The informal consultation process

- 4.19 The informal consultation consists of:
- a detailed consultation document outlining the proposal, timelines, background information, next steps, list of consultees, response slip and details of the public meeting. This document is given to every child at the school to give to their parents. In addition copies are hand delivered to homes and businesses in the local vicinity starting with the nearest streets surrounding the school. The document is also posted on the school website and school gates and on the Brent consultation website.
 - At least one public meeting is held at the school concerned with representatives from the governing body and the council.
 - A 4 week response time (minimum) is given
- 4.20 There are many reasons for an informal consultation before the formal consultation:
- it allows extra time for public to digest what is being proposed
 - it gives a chance for the public, school and the Council to meet as a collective
 - it is a chance to eradicate misunderstandings or ambiguity
 - it gives a chance to gauge the feeling of the public before the statutory consultation
 - it gives the Council a chance to build up a database of interested people to provide information on the next steps of the project e.g. the publication date of the statutory notice marking the start of the formal consultation.

The formal consultation process

- 4.21 The formal consultation process consists of the issuing of the statutory consultation in the local newspaper. It is also posted on the school website, the Brent consultation website

and on all entrances to the school (and any additional sites) for the passing public to see. This is a second chance for the public to give their views on the proposal. A four week representation period is given for responses.

Lyon Park Infant and Lyon Park Junior Schools informal consultation

- 4.22 The Governing Body of the Lyon Park Schools in partnership with the local authority carried out an informal consultation with key interested parties on the amalgamation proposals. The consultation document is attached as Appendix 2. Over 1,400 copies of the consultation document were distributed through hand delivery, email and/or internal/external post:
- the document was available at the consultation meetings
 - the document was placed on the school website and the Brent consultation website
 - approximately 450 copies were emailed out, including to all Councillors in Brent, all Brent schools, neighbouring boroughs and other statutory consultees.
- 4.23 The informal consultation began on 29 September 2015 and ended on 9 November 2015. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 4.24 Two consultation meetings on the proposal to amalgamate the Lyon Park Schools were held on 6 October 2015 (3.30pm and 6pm). Notes of this meeting can be found at Appendix 3.
- 4.25 The Lyon Park proposal received 14 responses in this first informal consultation. Responses were received via post and email.

Table 2: Breakdown of responses received for the Lyon Park Schools (informal)

	Number of responses received	Percentage of response overall
Agree with amalgamation	11	78.6%
Disagree with amalgamation	01	7.1%
No decision reached	02	14.3%
Total responses	14	100.0%

- 4.26 All 14 responses can be found in Appendix 4. The person who disagreed with the proposal later admitted she misunderstood what the amalgamation was about. (Reference LP12).

The Lyon Park Schools formal consultation

Stage One - Publication of Statutory Notice

- 4.27 Following careful consideration of the responses in the consultation stages outlined above, the governing body of the Lyon Park Schools in partnership with the local authority published the Statutory Notice in the Brent and Kilburn Times on 26 November 2015 to amalgamate the schools by April 2016. Notices were also displayed on the school's gates, on the school's website, on the Brent Council consultation website.
- 4.28 The statutory notice is attached as Appendix 5.

Stage Two – Representation (formal consultation)

- 4.29 The statutory notice (issued on 26 November 2015) was followed by a four week statutory period (Representation stage), which ended on 24 December 2015, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal (in this consultation) and ensures that they will be taken into account by the Cabinet when the proposal is determined.
- 4.30 In total no representations were received during statutory period.

Next Steps

- 4.31 The anticipated dates for the key project milestones following a decision by the Cabinet to determine this proposal to alter the Lyon Park Schools are set out in the timetable below:

Table 4: Project milestones

Milestone	
Cabinet Decision to expand the school	8 February 2016
School officially becomes Lyon Park Primary School	1 April 2016

5 Financial Implications

- 5.1 Schools are funded through the ring-fenced dedicated schools grant (DSG) and there are therefore no financial implications to the council's general fund.
- 5.2 The financial implications for the combined school is a reduced lump sum of £175k. Under the schools funding formula, each school currently receives a lump sum of £175k to take care of core costs, meaning that the combined lump sum is currently £350k. After merger the combined school will receive one lump sum only. However, as transitional support, in the first full financial year of merger, the school will receive a lump sum of £297.5k (85% of the two lump sums), a reduction of £52.5k in the first year. Whilst this is a reduction borne by the school, the funding is redistributed to other schools as part of the schools funding formula, and therefore does not represent a loss of funding through the DSG.
- 5.3 The schools currently operate as one school in terms of staffing and contracts, and therefore there are no further financial implications.

6 Legal implications

- 6.1 The procedure for the amalgamation of the Lyon Park Schools is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The local authority is entitled to make prescribed alterations to the Lyon Park Schools pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedules 2 and 3 Regulations.
- 6.2 The authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Schedule 3 paragraph 3 of The School Organisation Regulations 2013.

- 6.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 6.4 Both the current infant and juniors schools are maintained schools and the new Lyon Park Primary School will also be maintained. This means that all staff currently employed by the local authority will continue to do so. TUPE will not apply, as this occurs when the employer changes from one organisation to another.
- 6.5 The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 of the School Organisation Regulations 2013.
- 6.6 The public sector equality duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are Age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision.
- 6.7 An Equality Impact Assessment has been carried out and is attached at Appendix 6 to this report.
- 6.8 The Cabinet would need to have regard to guidance issued by the Secretary of State before making a decision upon this proposal entitled School Organisation Maintained Schools – guidance for proposers and decision makers January 2014 - <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.
- 6.9 If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the two month period.

Decision Making:

- 6.10 The department does not prescribe the exact process by which a decision-maker carries out their decision-making function. However, the body or individual that takes the decision must have regard to the statutory 'Decision-makers Guidance' (at Annexe B).

- 6.11 There are four key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:
- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided.
- All necessary information has been provided.**
- Does the published notice comply with statutory requirements?
- The statutory notice is complete and in line with the statutory requirements. The four week statutory representation period closed on 24 December 2015 for the Lyon Park Schools.**
- Has the statutory consultation been carried out prior to the publication of the notice?
- All applicable statutory requirements to consult in relation to the proposal have been complied with.**
- Are the proposals “related” to other published proposals?
- No.**

Types of Decision

- 6.12 When issuing a decision, the decision-maker can:
- reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate); or
 - approve the proposal – with or without modification – subject to certain prescribed events¹¹ (such as the granting of planning permission) being met.
- 6.13 A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the governing body (as appropriate) and the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.
- 6.14 Rights of appeal against a decision
- 6.15 The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:
- the local Church of England diocese;
 - the local Roman Catholic diocese; and
 - the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.
- 6.16 On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for its decision to the Schools

Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

7 Diversity Implications

- 7.1 The Lyon Park Schools have an ethnically diverse pupil population and catchment of pupils.
- 7.2 An Equality Impact Assessment (to screening stage) has been completed for the proposed amalgamation of the Lyon Park Schools - Appendix 6.

8 Staffing Issues

- 8.1 There will be no reductions in overall staffing and therefore no redundancies as a direct result of amalgamation.
- 8.2 Both current schools are maintained schools, and the new Lyon Park Primary School is also maintained. This means that all staff are currently employed by the local authority, and will continue to do so.

9 Background Papers

- 9.1 School Organisation Maintained Schools - Guidance for proposers and decision-makers - January 2014

10 Appendices

- Appendix 1 Map of Brent Schools
- Appendix 2 Lyon Park Infant and Junior Schools consultation document
- Appendix 3 Lyon Park Schools notes of the consultation meetings
- Appendix 4 Lyon Park Infant and Junior Schools informal consultation responses
- Appendix 5 Lyon Park Infant and Junior Schools statutory notice (stage 1 of the statutory process)
- Appendix 6 Draft of the Equality Impact Assessment (to screening stage) for Lyon Park Infant and Junior Schools

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