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MINUTES OF THE COMMUNITY AND WELLBEING SCRUTINY COMMITTEE **Wednesday 2 October 2019 at 6.00 pm**

PRESENT: Councillor Ketan Sheth (Chair), Councillor Colwill (Vice-Chair) and Councillors Afzal, Ethapemi, Hector, Knight, Shahzad and Thakkar, and co-opted members Rev Helen Askwith, Mr Alloysius Frederick, Mr Simon Goulden and Ms Dinah Walker

Also Present: Councillors Kennelly (call-in councillor representative), Chan (call-in councillor representative), Agha, Krupa Sheth, McLennan, Gill and Hylton.

1. Apologies for absence and clarification of alternate members

Apologies were received by Councillor Stephens and appointed observer John Roche.

2. Declarations of interests

The following interests were declared for transparency:

- Councillor Ketan Sheth (Chair) – Board member for The Federation of St Joseph's Roman Catholic Infant and Junior Schools, board member of Harrow College and Uxbridge College
- Councillor Colwill - Governor of St Gregory's RC Science College
- Councillor Afzal – signatory of the call-in
- Councillor Hector – signatory of the call-in
- Councillor Knight – Governor of Wykeham Primary School
- Councillor Thakkar – Governor of Phoenix Arch School
- Dinah Walker – Governor of Northview Primary School
- Helen Askwith – Governor of Wembley Primary School

3. Call in of Cabinet Decision - Formal Consultation on School Organisation Arrangements of Roe Green Infant School

Having received the report from the Strategic Director of Children and Young People detailing the background to the call-in referred to the Scrutiny Committee for consideration, the Chair began by inviting Councillors Kennelly and Chan to outline the reasons for the call-in and alternative action being sought as a result.

Councillor Kennelly introduced the reasons for the call-in by presenting a timeline to the committee. Members were informed that in 2013, Roe Green Infant School was approached by the Council for help in expanding the school to accommodate the predicted increase in demand for primary school places. The school provided this help and set up the new Roe Green Strathcona site and in doing so, took on a building in a poor state needing immediate refurbishment. In September 2016, the school had been made permanent based on their figures and successes. On 9 September 2019 Cabinet had taken the decision to close Roe Green Strathcona

site. Councillor Kennelly felt that previously the school had been viewed as providing a saving and now was considered financially unviable. Furthermore, insufficient information had been provided regarding the future provision for the site, despite a number of proposals having been submitted by staff of the school - staff that now faced an uncertain future. In concluding his remarks, Councillor Kennelly felt that the advertising on the council's website of the Strathcona site to parents was insufficient.

In co-presenting the reasons for the call-in, Councillor Chan stated a series of oversights that he felt had been made by the council, including that Cabinet had decided to make the Roe Green Strathcona Site permanent because it represented a cost saving and had now determined that it was not financially viable. He further highlighted that 99.8% of respondents to the survey conducted during the informal consultation stage did not want the school to close. Councillor Chan expressed his thanks to the staff who would be presenting additional or alternative uses for the site and recommended the Cabinet explore these proposals.

The Committee then moved on to consider representations from stakeholders who had requested to speak in relation to the call-in. Comments made were as follows:

Jenny Cooper (National Education Union Representative) explained her role was to represent the National Education Union (NEU) members of Roe Green Infant School and Strathcona who, at the time of speaking, had taken their fourth day of industrial action to protect their jobs. The committee heard that the staff wanted written assurances that there would be no compulsory redundancies. Jenny Cooper stated that the community at Roe Green Infant School were not responsible for cuts or falling demand for school places but were responsible for establishing successful schools with good results and happy pupils and parents. It was felt that the council had failed to engage with alternative proposals drawn up by the staff and representatives of Roe Green Infant School.

Mary Adossides (Chair of Brent Trades Council) acknowledged the financial position local authorities were facing, but felt that the decision to close Roe Green Strathcona was rushed. It was noted that the council spent significant sums transporting children outside of the Borough to attend appropriate SEND provision and when this was considered, the saving of around £200,000 expected from the closure of the site was viewed to be a small sum. The committee was urged to recommend that the cabinet reconsider the decision and explore other possibilities, such as having a SEND provision alongside mainstream primary education.

Hitesh Kerai (Governor of Roe Green Infant School) referred the committee to the financial implications section of the Cabinet report, stating that there were discrepancies in the figure of the funding per pupil reported. Hitesh Kerai highlighted that in the June consultation the figure quoted was £755,000, and in the September consultation it had increased to £786,000, but the actual amount received was £692,000, as disclosed in the informal consultation. It was explained that this equated to £6,300 per pupil, a figure in-line with that of other schools. Furthermore, the Roe Green Strathcona Site had been told it must operate as one school and have one DFE number. When considering the whole budget for Roe Green Infant School and the Strathcona site, including split site funding, the cost per pupil was £5,500. Hitesh suggested for the figures in the consultation to hold substance they would need to be made against the marginal pupil cost at other

schools, which would be the cost of providing education in any partially filled classes where there was no proposal for closure, rather than the average cost per pupil across a school or site. It was felt that by analysing the figures on a single site, the formal consultation and documents had obscured the true value for money that Roe Green Infants School provided.

Liz McLaren (Deputy Head of Roe Green Infant School and Strathcona) speaking in favour of the call-in, told the committee that the consultation figures referred to the revenue budget rather than the capital budget. From the Local Authorities' (LA) capital budget, the council had spent £30 million on Byron Court Primary School, £12 million on East Lane Primary School and £8 million on Uxendon Manor Primary School. The council were now reducing the Published Admissions Number (PAN) for Uxendon school from 2020 and shelving classes in other schools where they were under 30. The spend on Roe Green School Strathcona Site was £1.5 million, which was seen as a much better rate of return. Looking at a combination of revenue and capital budgets, Liz McLaren suggested that Roe Green School had provided very good value for money. It was also felt that saving money on split-site costs was a fallacy because any other educational use that the council may provide in the future would have the same site costs. In concluding her statement, Liz McLaren noted the objections Barry Gardiner (MP for Brent North) had made to the Cabinet's decision and emphasised the council's 2016 position that "the Strathcona site provides greater choice for local parents and is educationally and financially resilient as part of Roe Green Infant School", affirming that this was still the case.

Jag Sidhu (Head of School, Roe Green Infant School Strathcona Site and SENCO on both sites), speaking in support of the call-in, expressed disappointment that the proposals that school staff had been asked to put forward for the additional use of the site appeared to have been dismissed as irrelevant. These proposals suggested additional uses of the site which could work alongside educating the children currently attending the school. An Additional Resource Provision (ARP) for children with autism was one of the suggestions proposed. It was felt that with the increasing need for provision for children with autism in the Borough this would be an economical option. It was felt that Roe Green Infant School Strathcona site was well positioned to meet the needs of these children because it was small, on one level and with easy access to outside areas. The proposal could also apply to children with moderate learning difficulties. Jag Sidhu concluded by expressing confusion as to why, in her view, these proposals were not seriously considered.

Marisa Malgieri (Teacher, Roe Green Infant School) outlined further suggestions for the additional uses of the Roe Green Infant School Strathcona site including a SEND/ Mental Well-being / Training and Resources Hub. The site could potentially provide a venue for family contact meetings and other community activities or could be developed into a teacher training centre, which would help with staff retention across the borough. Marisa Malgieri also spoke about a Refugee Support Centre providing families with the language skills and knowledge required to navigate mainstream schooling. It was reiterated that no formal feedback had been received for these proposals.

Andrew Miller (Assistant Head Teacher for Roe Green Infant School) referred the committee back to the informal consultation, where response forms were available online. Andrew Miller stated that he had been told by the council that 500 responses would make a difference to the proposed decision. 542 written

responses had been received, of which 99% disagreed with the closure. Andrew Miller suggested the responses appeared to have been ignored. Referring to the formal consultation, it was pointed out that no forms were available and the community were given vague guidance that they could email responses. It was suggested that it had been made as difficult as possible for the community to respond to the formal consultation, and felt that there was no evidence that the high level of public response made a difference to the decision to close the Strathcona site. The committee further heard that numerous letters opposing the closure from pupils, SLT, the governing body and MP, Barry Gardiner had been sent and did not appear to have received a response or been addressed by the council. Andrew Miller further felt that the council's belief that the current surplus of places was unforeseen was not true, as in 2016 the council were "explicitly informed that whilst there was a shortage of places predicted up to 2019/20, thereafter there was expected to be a surplus of places". Andrew Miller concluded by disagreeing with the claim from the consultation that the school would have difficulty managing small pupil numbers and stated that it had proved highly successful at doing this for a number of years.

Nicky Lobo (Head Teacher, Roe Green Infant School) referred the committee to the consultation where the local authority had stated that 'they were not responsible for marketing individual schools', and explained the school had always understood this but felt it could only be applied when there is a level playing field. Nicky Lobo referred to a 2013 letter sent from the authority to parents of the school which said that it was a temporary school and a proper school place would be found as soon as possible, - Nicky felt this messaging had caused huge instability at the time. After the school was made permanent it was hoped things would change and numbers could be increased but in 2016 an email was received which stated "new head of service and operational director are keen to ensure we don't attract any undue attention from EFA or DFE about the split site and extension age range... so we need to brand the school carefully". Nicky Lobo informed the committee that in 2016 the school were told that legally it would take 18 months to change the admissions criteria for the school and the change would come into effect in September 2018. In the summer term of 2018 marketing of the school began, but by this time the council was sending letters to say that it wished to close the Strathcona site. With regard to the advertising of the school, Nicky Lobo suggested the main issue was that parents could not find the Strathcona site on the school finder website. Members heard that planning approval for a new 3 form school in the area had been given and that there were rumours of another school taking over the Strathcona site.

Martin Francis (Resident) spoke in support of the call-in, acknowledging that Roe Green Infant School agreed to take on more by establishing the Strathcona site provision while other schools could not and was now suffering. Martin Francis warned that Governors at other schools were watching how this situation proceeded, and that the decision had undermined trust in the democratic process due to the inaccuracies in officer reports and responses not receiving consideration. It was felt that the closure was the result of cuts.

The Chair thanked the members of the public for their contributions and offered Ward Councillors the opportunity to speak. Comments were made as follows:

Councillor Kennelly (Preston Ward Councillor) expressed support for the submissions already heard and reiterated that it was not possible to find the school on the Brent website. The school were beginning a large marketing campaign, and parents who wanted to send their children to a small community school that could focus time and attention on the children were appalled that they would no longer be able to. Councillor Kennelly called for assurance for the community that the site would continue to be used for educational purposes, and expressed determination to see an expansion in the SEN provision, as sending pupils elsewhere was costly. He concluded by stating that the council should seek to keep the school.

Councillor Azfal (Ward Councillor) expressed understanding that this had not been an easy situation for the council but felt that despite the legal and financial limitations there should be scope to ensure children were kept the main focus of decisions.

Councillor Thakkar (Preston Ward Councillor) questioned the statistics reported, asked at what point the council had become aware that the birth rate was dropping and queried why it was only now being questioned. A concern was expressed that staff had been left seeking assurances regarding compulsory redundancies and assurances regarding pupil wellbeing were sought. Councillor Thakkar agreed with proposals from colleagues, highlighted on page 6 of the call-in report.

The Chair thanked stakeholders for their contributions and then invited Councillor Agha, as Lead Member for Schools, Employment and Skills to respond to the reasons provided for the call-in and public representations made at the meeting.

Councillor Agha began by thanking the speakers for showing such high regard for the school. It was acknowledged that in 2013 Roe Green Infant School had helped the council meet a very high demand for school places and that the council were very grateful for that. Since 2006 there has been 8,000 additional school places created in Brent. With the reduction in demand the Strathcona site had struggled to fill spaces, with only 3 pupils starting in September 2019. It was affirmed that the formal consultation process was conducted in line with statutory guidance and published in the Brent and Kilburn times, the council website, and posted on the school gates. Councillor Agha felt it had been made clear that responses could be provided by post or email. Councillor Agha was of the opinion that Cabinet had a duty to use the dedicated school grant (DSG) to the benefit of all school children in Brent, and that funding of £7,000 per pupil was the highest in Brent, with the average being £5,000 per pupil. Councillor Agha gave the examples of Mount Stewart Infant School which received £4,475 per pupil, Preston Park Primary School which received £4,588 per pupil and Mora Primary School which received £5,036 per pupil. Members were informed that with the closure of the site, £786,600 would be redistributed to other Brent primary schools to their benefit. It was acknowledged that Cabinet were committed to minimising the impact of the proposed changes on pupils and staff, and it was intended that there be a phased closure of the provision. Councillor Agha informed the committee that the largest cohort of pupils would finish in June 2020. With regard to redundancies Councillor Agha stated the council were committed to ensuring employment opportunities for staff.

In response to questions about why the future use of the site had not received a decision, Councillor Agha explained that it would not be appropriate for Cabinet to

make decisions about the future use of the site before decisions were made on the school's arrangements. It was confirmed that Cabinet were committed to considering viable future educational uses for the site. Councillor Agha referred the committee to the Brent School Place Planning Strategy 2019-23 where a significant demand for SEN provision for 19-25 year olds was identified. In concluding, Councillor Agha confirmed that he was happy for the decision on the future use of the Roe Green Strathcona site to be referred back to Cabinet, and for pre-scrutiny of any future use of the site to be undertaken before a final decision was taken at Cabinet.

The Chair thanked Councillor Agha for his response. At the request of the Chief Executive, the Lead Member was then invited to respond in further detail to the issues raised by the speakers.

- a) Councillor Agha confirmed that the rumours concerning another school taking over the Strathcona site were not true.
- b) Andrew Ward (Head of Finance) referred to the 2019-20 funding year for Roe Green Infant School. In total for both sites the school received £2.5million for 447 pupils, which was approximately £5,535 per pupil. Included in the £2.5 million was split site funding of £202,000, which, if removed from the total, reduced the school's funding down to £2.3 million. Divided by 447 pupils this gives a per pupil funding figure of £5,083. Using this figure, the main site is funded for 337 pupils at £5,083 each totalling £1.7 million. The Roe Green Strathcona site is funded for 110 pupils at £5,083 each, totalling £0.56 million. Adding the £202,000 back to this figure gives £0.7 million, which if divided by the 110 pupils at that site, gives a per pupil funding figure of nearly £7,000.
- c) Regarding queries over Carlton Vale and Kilburn Park, Gail Tolley (Strategic Director, Children and Young People) explained that there were longstanding plans to bring the schools together to develop a sufficiently sized primary school in the area to address inefficiencies, and to meet the needs of children. Brian Grady (Operational Director, Safeguarding, Performance and Strategy) confirmed that the demand for school places was identified via the School Place Planning refresh of July 2017. Gail Tolley stated there were a number of factors contributing to the reduction of the demand for school places, some of which had been unforeseeable, such as Brexit.
- d) Concerning staff redundancies, Gail Tolley confirmed that she and the Lead Member had met the regional representative of National Education Union (NEU) alongside local representatives for both teaching and support staff. The council wanted to avoid compulsory redundancies, including for other schools across Brent and in the context of teacher recruitment challenges in London, it was likely that this could be achieved.

The Chair thanked Councillor Agha and the Officers for their responses and invited questions from the committee. In the subsequent discussion the following issues were raised:

- a) Members questioned why the decision on the future use of the Strathcona site had not been taken at the Cabinet meeting. Councillor Agha responded that it had been deemed appropriate to first consider the arrangements of the school before discussing alternative or additional provision. It was confirmed that there was no intention for housing to be built on the site and that it was intended to explore the SEN provision for 19-25 year olds at the site.
- b) In further responding to the queries over the future use of the site, Gail Tolley advised that there was a distinction between the need for mainstream primary places on the Strathcona Site and the future use of the site - the decisions had therefore been intended to be taken separately. With regard to options for future uses of the site, Gail Tolley felt it should be noted that it had been identified that there was greatest need of SEN provision for 16-25-year-old in Brent. Furthermore, she informed the board some of the suggestions put forward were already in place, for example Brent already has a family contact centre and children with ESL were well supported in Brent schools, where they could learn alongside their peers. The Brent Schools Partnership support a range of training programs for Brent's schools' staff and the Schools Forum had agreed additional funding for the training and development of leaders. There were also two Teaching School Alliances in Brent.
- c) The committee queried what had been done to increase the number of pupils at the school. Members referred to concerns regarding insufficient advertising and low awareness of the consultation. Members also wanted to know what cost analysis had been undertaken to address shortfall of the 19-25-year-old SEN provision. Councillor Agha confirmed that the need for 19-25 SEN provision was set out in the School Place Planning Strategy. In response to the questions about insufficient advertising, Gail Tolley explained that there were two split site primary schools: Roe Green Infant School and Leopold Primary School. Both were advertised in the same way. Brian Grady stated that the council worked with the schools to update the Schools Admissions Guide. This had been one of the first actions taken in 2016 when the provision at the Strathcona Site was made permanent. With regard to the consultation, Brian Grady felt this had been extensive and had begun in March 2019. There had been no evidence from the responses received that the consultation had been difficult to find.
- d) Members sought reassurance with respect to the London wide projections mentioned and questioned the contingencies in place in case the projections were wrong. Gail Tolley explained that each council must have a School Place Planning Strategy. The current one was for the 2019-23 period but was refreshed annually. It was confirmed that the projections were provided by the GLA and were formed partly based on data submitted by councils. Therefore, Gail Tolley felt the GLA projections were sufficiently scrutinised through pre-checking by councils, by statisticians at GLA and again, on receipt of projections from the GLA, by the council's School Place Planning team, the Council Management Team and by Cabinet.
- e) In response to queries regarding the savings to be made from the closure of the Strathcona Site, Gail Tolley advised that the funding that went into the Strathcona site came from the Dedicated Schools Grant, which comprised

early years, high needs and schools funding streams. The funding for Roe Green Infant School would go back to the schools block and be redistributed to schools, whereas the funding for SEN provision for 19-25 year olds would come from the high needs block. It was reiterated that there had been no decision about the future use of the site, however as identified in the School Place Planning Strategy and Special Educational Needs Strategy and discussed at the Inclusion Board, there was a need to expand SEN provision for 19 to 25 year olds. It was emphasised that the future use of the site would be educational.

- f) Members raised queries regarding SEN provision for younger pupils. Gail Tolley responded that Brent schools provided good quality SEN support in mainstream and additionally resourced provision. For children with more complex needs, a new school – Avenue Special School – had just opened and this would make a significant contribution to ensuring there were places available for children currently attending out of borough provision. Brian Grady advised that the school had taken in 36 pupils this term and the council would plan with the school in terms of their expansion. In response to a further query, Brian Grady confirmed that there were approximately 50-60 pupils with Education, Health and Care Plans (EHP) in each of approximately 20-25 schools across the borough and hundreds of children on SEN support.
- g) The committee requested assurance of the Lead Member that in his view, the decision taken had been sound and had been taken in consideration of all relevant information. Councillor Agha highlighted that the Cabinet paper addressed all issues and that there was nothing else that could have been included. Gail Tolley referred to the evidence in the report and examples given to reassure the committee that all information was provided to Cabinet. It was emphasised that the decision was taken in the context of considering the whole community of schools and children as well as the particular circumstances of staff and children at the Roe Green Strathcona Site. It was reiterated that a decision had not been made regarding the future use of the site but that it would be used for educational purposes.
- h) The committee moved on to discuss the marketing of the school. They asked why the school did not feature on the Brent school finder website, and whether it was clear on the website that it was one school at two sites. Brian Grady advised that Roe Green and Leopold Primary School were referred to in the same way on the website and that the website was based on school entities due to having a single DfE number. This meant that parents would not see different school sites referenced. However, as of 2016 (for 2017 admissions) the School Admissions Guide stated that it was a split site, with parents receiving advice to read the School Admissions Guide prior to making any applications.
- i) With reference to the 99.8% of respondents to the consultation who disagreed with or objected to the proposal referenced in section 5 of the Cabinet report, members questioned how such community disapproval would be addressed. Councillor Agha emphasised that the council had a responsibility towards all schools and the existing provision at the Strathcona site was not financially feasible. It was intended that there would be a

phased closure of the school to enable the upper year groups with the largest numbers to complete their education at the Strathcona site. For the year groups with very few numbers, the admissions team would provide support to those parents seeking alternative provision. Regarding staff and redundancies, it was confirmed that officers would work closely with the HR department and employee support schemes as well as the leadership of the school to support positive outcomes for staff. Ward Councillors and other stakeholders would be met with to seek input regarding mitigating actions.

The Chair thanked everyone for their contribution to the meeting.

With the permission of the Chair, Councillor Chan and Kennelly presented closing statements. Councillor Chan advised that it was felt mistakes had been made, in particular highlighting the site not being listed on the Schools Finder website. Councillor Kennelly added that there appeared to be reluctance to review how the school's finder website worked, and expressed that the council could have worked in partnership with the leadership of the provision to explore ways to address the financial concerns. Councillor Kennelly stated that the decision felt rushed and reiterated that alternative options had not been adequately considered.

As no further issues were raised, the Chair thanked everyone for their contributions and then invited the committee to consider the recommendations set out in the report in relation to the outcome of the call-in.

As a result of the discussion that followed the Committee **RESOLVED** by a majority decision (9 members in favour of the decision, 1 member against the decision)

- i) Based on the information provided and discussion undertaken, the Community and Wellbeing Scrutiny Committee agreed to refer the original decision back to Cabinet (as the original decision-maker).
- ii) In making this decision, the Committee has asked Cabinet to reconsider the decision and the alternative suggestions that have come forward in relation to alternative and additional educational provision on the site.

The meeting closed at 8:20pm

COUNCILLOR KETAN SHETH
Chair

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