

LONDON BOROUGH OF BRENT

EXECUTIVE MEETING

21.07.03

FROM THE DIRECTOR OF EDUCATION, ARTS & LIBRARIES

NAME OF WARD(S)
ALL

REPORT TITLE: PROPOSAL FOR THE EXISTING INDEPENDENT MENORAH HIGH JEWISH SECONDARY SCHOOL CONVERTING TO VA STATUS

1.0 SUMMARY

- 1.1 This report informs Members of proposals received from **(the Trustees of)** Menorah High School for Girls, Unit 21, Dollis Hill Estate, Brook Road, London, NW2 7BZ to establish a new Jewish Voluntary Aided School in Brent on 1st April 2004.
- 1.2 Menorah High School for Girls is currently an independent fee paying school for Orthodox Jewish girls in years 7 and 8 (ages 11 and 12 at the start of the academic year). The school currently has 25 pupils in year 7 and 25 in year 8.
- 1.3 An Ofsted report and confirmation from DFES is needed before the VA process can move forward. The Ofsted inspection was carried out in May 2003. The report was received in June 2003 and is very positive.
- 1.4 There are doubts about the viability of any secondary school with less than 300 places. The school expects to be at its full capacity of 375 pupils by 2014.

2.0 RECOMMENDATIONS

- 2.1 To support the application of (the Trustees of) Menorah High School for Girls to establish a new Jewish Voluntary Aided School in Brent on 1st April 2004, as long as the Council does not incur additional costs as a result of the transitional period on the 'floors and ceiling mechanism' of the Local Government Funding system as highlighted in this report under 3.0 Financial Implications and 5.0 Legal Implications.
- 2.2 The LEA to consult with the Learning Skills Council (LSC) with regards to them funding the Sixth Form.
- 2.3 Refer the decision on this proposal to the School Organisation Committee.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Based on the 2003/2004 level of funding the Budget Share for the school would be in the region of £1,500,000. This would be a charge against the EAL budget. Additional Revenue Support Grant (RSG) would be forthcoming which would be expected to offset this cost once the pupils in the new school formed part of the secondary September pupil number returns, but this would not occur until the September after the school had been established as VA. Assuming DfES and Council approval and a satisfactory Ofsted report, the school would appear for the first time in the Brent secondary return in September 2004, resulting in increased RSG in 2005/2006. There would be no grant funding through this mechanism in 2004/2005.
- 3.2 The LEA would also obtain approval to count the school's pupil numbers for January 2004 as Brent pupils in order to ensure funding for 2005/2006. The LEA would also need to request that an associated adjustment is made to the Council's funding base-line to ensure that the 'floors and ceiling' mechanism within the Local Government Funding System does not disadvantage the London Borough of Brent.
- 3.3 In view of this, the authority would wish to seek an assurance from the DfES that any shortfall to the Council prior to the pupil numbers being counted within the RSG calculation would be met by Central Government before any concurrence to the school's proposal could be considered. Alternatively, the school would need to continue to finance its revenue costs from fees and other income until the Council received the additional Central Government grant. This would be achieved by seeking the DfES's approval to be effective from April 2005 but the pupil numbers counted as Brent pupils in January 2004 and September 2004.
- 3.4 Because the school is proposing to expand by one form of entry each year, there would be part year cost of £45,000 to the Council of meeting the impact of the extra pupils from each September. This would be contained within the rising rolls contingency and the impact would be to reduce funding to other schools.
- 3.5 The school has successfully been granted £5m from the DfES in the latest Targeted Capital Funding round in order to meet accommodation standards.
- 3.6 The new school would be funded under the Brent LEA devolved funding formula and would apply for capital grants under extant terms and conditions. The Proposers are confident that current levels of LEA funding would be sufficient.
- 3.7 Payment of capital grant would be required to implement any proposals. Applications would be made and the outcome established prior to formal publication. After incorporation the Governors would seek grant under extant regulations to improve provision. The Governing Body would bear responsibility for 10% of all capital expenditure associated with the site. The DfES would assume responsibility for the remaining 90%. The LEA would be responsible for provision of revenue funding through the Devolved Funding Formula to enable the school to perform its functions.
- 3.8 The LSC would fund the Sixth Form and so would need to be consulted.

- 3.9 300 school places is a very small school. There would have to be doubts about its viability unless there were other sources of income. The school has plans to reach 375 pupils by 2014.

4.0 STAFFING IMPLICATIONS

- 4.1 None specific

5.0 LEGAL IMPLICATIONS

- 5.1 The final decision on whether the school should be established rests with the Secretary of State for Education and Skills. However, Members have an opportunity to make formal objections to the Secretary of State on the proposals received from the Proposers of Menorah High School.

5.2 Surplus Secondary Places

The January 2003 pupil count in schools indicated 1254 true surplus places in maintained secondary schools in Brent

The true surplus figure is arrived at by deducting the actual number of total pupils on roll in all schools from the quoted Net capacity (formerly MOE capacity) of all schools.

- 5.3 There are currently 1254 surplus places in Brent maintained secondary schools within a 3 mile radius of the proposed new Menorah High School. Of these surplus places 556 are in voluntary aided schools and 698 are in community schools. It is expected that this school will attract additional girls from independent schools outside of Brent.
- 5.4 There are several other maintained secondary schools within a 3 mile radius of the Menorah High School within the London Boroughs of Camden, Barnet, Westminster, Kensington & Chelsea and Hammersmith & Fulham.
- 5.5 Due to pressure from the DfES Members have consistently aimed to reduce the number of surplus places in schools. Menorah High School will have an adverse effect on surplus places due to their substantial accommodation compared to their number of pupils.
- 5.6 Protocol No 1 Article 2 of the European Convention on Human Rights, which is incorporated directly into UK law by the Human Rights Act, requires that the State respect the right of parents to ensure the teaching in conformity with their own religious and philosophical convictions. Though this right only needs to be applied so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.
- 5.7 In a maintained voluntary aided school, such as the proposed new Menorah High school, it is the Governing Body of the school that is the employer of all staff with full rights over their hiring, conduct, discipline and dismissal in accordance with

employment law, although staff costs are funded by the authority through the school's delegated budget.

- 5.8 The occupation and use of the premises of a voluntary aided school, whether in or out of normal school hours, is under the control of the Governing Body of the school. The school buildings are usually owned by trustees. Up to 90% (previously 85%) of the cost of providing school premises and repairs and alterations to school buildings may be provided by a grant from the Secretary of State with the Governing Body providing the remainder.

6.0 DETAIL

- 6.1 Menorah High School for Girls is close to an agreement to buy half of the Dollis Hill Estate in Brook Road, which will provide the school with a range of well maintained buildings, playground space and car parking, more than sufficient for their present purposes and with room for growth.
- 6.2 Menorah High School for Girls wish to establish a two form entry secondary school for girls for the Orthodox Jewish community and feel they will have no difficulty in filling the school.
- 6.3 They also wish to have a sixth form and anticipate a total roll for this of around 150 because there will be a demand from pupils who have attended other independent schools that do not cater for the 16-19 age group.
- 6.4 The school were first told in September 2002 that in order to move forward in seeking VA status an OFSTED report and confirmation from the DfES that they support the application should be obtained. The Ofsted inspection took place in May 2003. The Ofsted report is positive and includes comments such as: the overall standards of the school are above average; and the headteachers and governors provide very strong direction and leadership. The school submitted an application to the DfES for VA capital funding which has been supported on the understanding that it is subject to the decision of the Council and the School Organisation Committee as to whether to support the application for VA status.
- 6.5 The school has successfully secured £5m targeted capital funding providing they meet DfES conditions.

7.0 BACKGROUND INFORMATION

The following papers were used in the compilation of this report:-

- i) Proposals from The Menorah High School for Girls

Any person wishing to inspect the above papers should contact
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