



Executive
9th October 2006

**Report from the Director of
Children and Families**

For Action

Wards Affected:
ALL

**The Amalgamation of Islamia Primary School and The
Avenue School**

Forward Plan Ref: C&F06/07-014

1.0 Summary

- 1.1 The governing bodies of Islamia Primary School and The Avenue School jointly with Brent Council are proposing to expand Islamia Primary School from one form of entry (1FE) to two forms of entry (2FE), to close The Avenue School and transfer its pupils to Islamia Primary School by the end of the current school term.
- 1.2 This report outlines the reasons why this action is needed, summarises the outcome of the initial consultation and seeks approval to issue statutory notices for the formal consultation.

2.0 Recommendations

- 2.1 The Executive is asked to give its approval to issue the statutory notices on 19 October 2006 to start the formal consultation.
- 2.2 The Executive is asked to approve the reallocation of funds from The Avenue to Islamia as detailed in paragraph 4.2, subject to no objections from the Schools Forum.

3.0 Detail

3.1 Background

Islamia Primary School and The Avenue School are two separate, maintained Muslim primary schools in Brent, situated in close proximity in Kilburn in the south east corner of the Borough. Both schools are currently one form of entry (ie one class in each year group) and cater for boys and girls aged 5 to 11 years.

3.2 Islamia Primary became a voluntary aided (maintained) school in September 1998. The Avenue School became a voluntary aided school in April 2005. However, the landlords of The Avenue School site now require the school to vacate the premises on expiry of the lease on 16 January 2007 or indeed before then. Despite the best efforts of the Local Authority, the school and parents no alternative site has been found.

3.3 Islamia Primary School could accommodate the pupils of The Avenue School. This would entail an expansion of Islamia Primary School, whereby all The Avenue pupils would join Islamia Primary School.

3.4 The Governors of Islamia Primary School and The Avenue School, jointly with Brent Council have consulted with staff, parents and the community on the future expansion of Islamia Primary School by one form of entry, the closure of The Avenue School and the transfer of the existing pupils of The Avenue School to Islamia Primary School.

Factors that have lead to the Proposals

3.5 The lease to the premises in which The Avenue School is accommodated expires on 16 January 2007. The landlords now require the school to vacate the premises on or before that date. An extensive exercise has been carried out this past year by the Local Authority, the school and parents to try and find new premises for The Avenue School. As no alternative site has been found, there is no option but to close the school.

3.6 Islamia Primary School (Queens Park Ward) and The Avenue School (Brondesbury Park Ward) are in close proximity to each other in South Brent, London NW6. This is an advantage in terms of distance to be travelled by The Avenue pupils once they transfer to the Islamia site.

3.7 Both schools are compatible in terms of their religious affiliation i.e. they are both Muslim primary schools.

3.8 The Governors of both schools have demonstrated their desire to be able to continue to provide the children of The Avenue School with education in line with the beliefs of the families.

3.9 This is an opportunity to expand Islamia which is a very popular and successful voluntary aided primary school.

- 3.10 The Proposals
The Governors of Islamia Primary School, 129 Salusbury Road, London, NW6 6PE propose to expand by one form of entry (approximately 210 additional places), taking the school capacity from 210 pupils (Year R – 6) to 420 pupils (Year R – 6).
- 3.11 Brent Council proposes to close The Avenue School, 5-7 The Avenue, London, NW6 7YG, as from the end of the present school term in December 2006 (due to the situation with the accommodation) and transfer the pupils to Islamia Primary School from January 2007.
- 3.12 The additional places would be available when the present accommodation is extended. In the meantime in order to effectively accommodate the additional The Avenue pupils the governors at Islamia School have identified 5 classrooms that can be used and are considering temporary huts on the site.
- 3.13 The merger will ensure that Brent will not lose primary school places, which is a benefit in the present circumstances of shortage of places across the borough.
- 3.14 The Consultation
The informal consultation began on 17 August 2006 and the timetable was as follows:

Date	Consultation
17 August 2006	Joint governing body meeting with Brent Council Officers
8 September 2006	Distribution of consultation documentation
19 September 2006	Community meeting
29 September 2006	Deadline for informal consultation

- 3.15 Having regard to the Secretary of State's guidance the informal consultation ended on Friday 29 September 2006. Full details of the responses will be distributed to the Executive before the October 9th meeting.
- 3.16 The next step in the process is for Islamia Primary School to issue a statutory notice to expand to 2FE and for Brent Council to issue a statutory notice to close The Avenue School and transfer its pupils to Islamia Primary School. This can be done as one linked proposal. The notices are due to be published on Thursday 19 October 2006. There is a 6 week representation period then the matter will be referred to the local School Organisation Committee (SOC) for a decision. The SOC, which is independent of the Council, has the power to approve such proposals. If the SOC cannot make a decision the matter will be referred to the Schools Adjudicator for a decision.

4.0 Financial Implications

4.1 This section of the report sets out the revenue and capital implications of the proposed amalgamation.

Revenue implications

4.2 The process for transferring budget shares from The Avenue School to the new combined school, assuming closure at the end of the autumn 2006 term, would be as follows:

- The Avenue would receive no budget in 2007-08.
- The Avenue funding for 2006-07 would terminate at its closure and would be paid pro rata to its annual budget share, i.e. it would receive 75% of the funding allocated.
- Any surplus of funds from the Avenue, including unpaid budget share, would revert to the Council, it would not be possible to transfer this money to Islamia directly.
- It is proposed that Islamia receives funding at 25% of the annual rate for its additional numbers funded from the funding previously allocated to The Avenue School for the full financial year. A note regarding the merger will be presented to the Schools Forum at its meeting on 10th October. The funding referred to above has been agreed verbally with the Chair of this Forum and other forum members have been contacted and no objections have been raised. For 2007-08 Islamia would be funded on its PLASC numbers from January 2007 and its predicted intake in September 2007.
- If applicable Islamia would be funded by the scheme of delegation for rising rolls in September 2007 in year groups other than the intake years according to the rising rolls contingency arrangements.

4.3 The amalgamation of the schools will lead to an overall increase in resources available to the Dedicated Schools Budget. This is because:

- a. The Avenue School projected budget share for 2007/08 currently includes a minimum funding guarantee and funding loss protection factor amounting to £57k. These would no longer be required;
- b. The fixed cost element of the funding formula would be spread over a larger number of pupils – in other words, one larger primary school costs less than 2 smaller primary schools;
- c. There is an expected overall increase in pupil numbers which will add to cost but be more than matched by additional Dedicated School Grant.

4.4 The table below shows the estimated impact on the Dedicated Schools Budget assuming different levels of pupil numbers in the new combined school. The first example assumes the same number of pupils to those currently included in financial projections for 2007/08. The second assumes that pupil numbers grow in line with forecast increases in The Avenue School pupil numbers. The third assumes the amalgamated school is almost full.

Potential funding impact from amalgamation

	Example 1 Pupil numbers as now (287 pupils) £'000s	Example 2 Pupil numbers in line with current projections (320 pupils) £'000s	Example 3 Pupil numbers if new school is nearly full (380 pupils) £'000s
2007/08 provisional budget share – separate schools	1,356	1,356	1,356
Less:			
Estimated budget share as amalgamated school	1,172	1,220	1,350
Reduction/(increase) in cost	184	136	6
Add:			
Estimated increase in Dedicated School Grant	-	115	325
Net additional funds available	184	251	331

Whilst the figures in the table are best estimates and will be subject to review, it is clear that savings from the merger should mean that additional funding can be allocated through the formula to benefit all schools.

Capital implications

- 4.5 In 2004 The Avenue School was granted £3.4m targeted capital funding from the DfES which was earmarked for the development of The Avenue site. A major factor in the overall proposals for the schools would be whether this funding could be re-allocated to fund capital works at Islamia School.
- 4.6 The DfES stated in recent correspondence that the original award to The Avenue has been rolled forward over more than one financial year. It was allocated to The Avenue on the basis of the project at the school meeting published criteria are given site specific issues. If the funding were to be reallocated then there are criteria that will need to be met, including: assurance that Islamia School can accommodate the additional pupils, information on the capacity of the Islamia site and details of the proposed capital works.
- 4.7 The DfES also stated that if they were to reallocate the funding this would be conditional on the approval of relevant statutory notices and that it is likely that

the final decision to reallocate the funding would have to be made at Ministerial level as the original allocation was approved by Ministers.

- 4.8 At this stage there is no certainty that the said £3.4m will be sufficient as no scheme has been developed for the Islamic site.
- 4.9 The local authority has no duty to fund any of the capital investment required for the setting up of a new, or expansion of an existing, voluntary aided school.
- 4.10 Given the tightness of the existing capital programme for the Children and Families Department and generally across the council, the authority will not be able to fund any shortfall between resources made available by the DfES and actual costs of delivering the building project. This position has been made clear in public meetings and will be rearticulated in consultation documents.
- 4.11 The SOC can only determine statutory proposals it is satisfied are able to be implemented. Should a shortfall in capital funding prevent a scheme from being implemented, this will be reported to the SOC who will determine the proposal accordingly.

5.0 Legal Implications

- 5.1 Proposals to require a school to expand and a school to close requires statutory notices under the School Standards and Framework Act 1998, formal statutory consultation and the decisions of the School Organisation Committee. The timetable for this process has been set out above in this report. Brent Local Authority is under a duty, pursuant to the Education Act 1996 to provide sufficient school places for children in its area.
- 5.2 Regrettably the actions of the foundation trustees at the Avenue School and the landlord of the premises mean that the school cannot stay on the premises beyond 16th January 2007. The Council would have a duty to provide education for those children of the Avenue School who are Brent residents.

6.0 Diversity Implications

- 6.1 Islamia Primary School is a very popular Muslim school in the near vicinity of The Avenue School. If it expands to 2FE it will be able to accommodate the pupils of The Avenue School which is also a Muslim school with same age group and also caters for boys and girls.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 It is envisaged that those staff who wish to transfer from The Avenue School to Islamia will be entitled to do so. The transfer will probably be a transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006, a TUPE transfer, such that The Avenue employees would receive the same terms and conditions at the Islamia School as they had at The Avenue School.

Those staff at The Avenue School who do not wish to transfer are likely under TUPE to be treated as having resigned from their employment at the date of transfer. Given the small size of the staff at The Avenue School, some of who are temporary contract staff, it is not envisaged that there will be many, if any redundancies as a result of this process. Both the governing bodies will have obligations under TUPE in good time before the transfer to give information about the transfer to the recognised trade union representatives of those of their employees who may be affected by it. If either governing body envisages taking measures in respect of its affected staff it will also have an obligation to consult these trade union representatives about these measures with a view to seeking agreement.

- 7.2 The Avenue School has to vacate its present accommodation on or before the lease expires on 16 January 2007. Islamia Primary School has 5 spare classrooms and is willing to have temporary huts placed on site in order to accommodate the Avenue pupils. This will be a temporary measure until the present accommodation is extended.

Background Papers (essential)

- i) Consultation documentation
- ii) Statutory notice

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