

Education and Children's Services Select Committee Agenda

Wednesday 5 February 2014

10.00 am

THE SMALL HALL - HAMMERSMITH TOWN HALL

MEMBERSHIP

Administration:	Opposition	Co-optees
Councillor Donald Johnson (Chairman) Councillor Tom Crofts Councillor Charlie Dewhirst Councillor Belinda Donovan Councillor Harry Phibbs Councillor Matt Thorley	Councillor Caroline Needham (Vice-Chairman) Councillor Elaine Chumnerly Councillor Mercy Umeh	Eleanor Allen, London Diocesan Board for Schools Michele Barrett, Headteacher Representative Sue Fennimore, Parent Governor Representative Nadia Taylor, Parent Governor Representative Philippa O'Driscoll, Westminster Diocesan Education Service Representative

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Reports on the open agenda are available on the [Council's website](http://www.lbhf.gov.uk/Directory/Council_and_Democracy):
http://www.lbhf.gov.uk/Directory/Council_and_Democracy

Members of the public are welcome to attend. A loop system for hearing impairment is provided, along with disabled access to the building.

Date Issued: 28 January 2014

Education and Children's Services Select Committee

Agenda

5 February 2014

Item

Pages

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.

At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.

Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.

Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.

3. CALL-IN: PROPOSED DISCONTINUANCE OF SULIVAN PRIMARY SCHOOL AND ENLARGEMENT OF NEW KING'S PRIMARY SCHOOL - COMPLETION OF STATUTORY NOTICE PERIOD AND RECOMMENDATION TO PROCEED

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The report of the Bi-Borough Director of Law is attached.

Attached to the report is the following appendices:

- Appendix A – the report to Cabinet 20th January 2014
- Appendix B – the unconfirmed minutes of the Cabinet meeting 20th January 2014
- Appendix C – completed call-in request form, 24th January 2014

- Appendix D – further information provided by officers in response to the issues raised in the call-in

4. DATE OF NEXT MEETING

The Committee is asked to note the dates of future meetings:

- 17th February 2014
- 1st April 2014

Agenda Item 3

 <p>h&f the low tax borough</p>	<p>London Borough of Hammersmith & Fulham</p> <p>EDUCATION & CHILDREN'S SERVICES SELECT COMMITTEE 5TH FEBRUARY 2013</p>
<p>CALL-IN: PROPOSED DISCONTINUANCE OF SULIVAN PRIMARY SCHOOL AND ENLARGEMENT OF NEW KING'S PRIMARY SCHOOL – COMPLETION OF STATUTORY NOTICE PERIOD AND RECOMMENDATION TO PROCEED</p>	
<p>Report of the Bi-Borough Director of Law</p>	
<p>Open Report</p>	
<p>Classification: For Scrutiny Review & Comment Key Decision: No</p>	
<p>Wards Affected: Town, Sands End, Parsons Green and Walham</p>	
<p>Accountable Executive Director: Jane West, Executive Director for Finance & Corporate Services</p>	
<p>Report Author: Craig Bowdery, Scrutiny Manager</p>	<p>Contact Details: Tel: 020 8752 2278 E-mail: craig.bowdery@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. The decision taken by Cabinet on 20th January 2014 on the 'Proposed discontinuance of Sullivan Primary School and enlargement of New King's Primary School – completion of statutory notice period and recommendation to proceed' has been called-in by seven members of the Education & Children's Services Select Committee. Attached to this report is the decision report considered by Cabinet, the unconfirmed minutes of the Cabinet meeting, the completed call-in request form and further information provided by officers.

2. RECOMMENDATIONS

- 2.1. That the Select Committee consider the call-in and review the decision made by Cabinet on 20th January 2014.

3. INTRODUCTION AND BACKGROUND

- 3.1. At its meeting on 20th January 2014, the Cabinet considered a report from Cllr Georgie Cooney (Cabinet Member for Education) and Cllr Helen

Binmore (Cabinet Member for Children's Services) on 'Proposed discontinuance of Sullivan Primary School and enlargement of New King's Primary School – completion of statutory notice period and recommendation to proceed'. This report is attached as Appendix A. The appendices to the report are available on the Council's website at www.lbhf.gov.uk – [click here](#). The unconfirmed minutes of the Cabinet meeting are attached as Appendix B.

3.2. The Cabinet RESOLVED –

1.1 That, following full consideration of all relevant matters, including in particular all of the consultation responses, all of the representations received during the statutory notice period, the factors set out in this report and the Equalities Impact Assessment, Cabinet agrees to implement the proposals for the discontinuance of Sullivan Primary School and the enlargement of New King's Primary School, subject to the following conditions being met by 1 August 2014: (1) planning permissions being granted for both the interim accommodation at the Sullivan site and the proposed extension and remodelling of the New King's Primary School buildings (see Appendix G); and (2) the making of any agreement under section 1 of the Academies Act 2010 for the establishment of a New King's Primary School as an academy; and authorises the Director of Schools Commissioning and Director of Law to undertake the necessary procedures to implement the proposals, including giving formal notification to the Department for Education.

1.2 These are related proposals so that either both or neither must be approved.

3.3 Cabinet's decision was called-in by the following seven members of the Education and Children's Services Select Committee on 24th January 2014:

- Eleanor Allen
- Sue Fennimore
- Nadia Taylor
- Phillippa O'Driscoll
- Cllr Caroline Needham
- Cllr Elaine Chumnery
- Cllr Mercy Umeh

The completed call-in request giving reasons for the call-in is attached as Appendix C.

3.4 Further information on the decision and comment upon the issues raised by the call-in has been provided. This is attached as Appendix D.

4. CALL-IN PROCEDURES

4.1. The Council's Constitution states (in Paragraph 18 the Overview & Scrutiny Procedure Rules):

- (g) On receipt of a valid call-in request the proper officer shall notify the decision-maker and the Chairman of the relevant Overview and Scrutiny

Committee of the call-in. A called-in decision is suspended and no steps shall be taken to implement it subject to these provisions.

(h) A decision which is called-in shall be placed on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee or a special meeting convened for that purpose, subject to the access to information provisions.

(i) If, having considered the decision the Overview and Scrutiny Committee is still concerned about it, then it may:

- refer it back to the decision-maker for reconsideration; or
- refer the matter to full Council

In both cases it must set out in writing the nature of its concerns. If referred to the decision-maker they shall reconsider it at their next meeting amending the decision or not before adopting a final decision. Once a decision has been reconsidered by the decision-maker it may not be the subject of further call-in.

(j) If the Overview and Scrutiny Committee at which a called-in item is due to be considered does not meet or does meet but does not refer the matter back to the decision-maker or to full Council the decision shall take effect from the date fixed for that Overview and Scrutiny Committee meeting.

(k) A matter referred to full Council shall be placed on the agenda for the next scheduled meeting of the Council, subject to the access to information provisions. If the Council does not object to the decision then no further action is necessary and the decision takes effect in accordance with the provision below. However if the Council does object it has no power to make decisions in respect of an Executive decision unless it is contrary to the policy framework or is contrary or not wholly in accordance with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-maker together with the Council's views on the decision. The decision-maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision is taken by the Executive as a whole or a committee of it, a meeting will be convened within 10 working days of the Council's request. Where the decision was taken by an individual the individual shall reconsider within 5 working days of the Council's request.

(l) If the Council does not meet, or if it does but does not refer the decision back to the decision-maker the decision will become effective on the date fixed for the Council meeting.

4.2 The Select Committee is therefore invited to consider the call-in and review the decision made by Cabinet.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	None		

LIST OF APPENDICES:

Appendix A – ‘Proposed discontinuance of Sullivan Primary School and enlargement of New King’s Primary School – completion of statutory notice period and recommendation to proceed’, report to Cabinet, 20th January 2014

Appendix B – unconfirmed minutes of the Cabinet meeting 20th January 2014

Appendix C – completed call-in request form, 24th January 2014

Appendix D – further information provided by officers

PROPOSED DISCONTINUANCE OF SULIVAN PRIMARY SCHOOL AND ENLARGEMENT OF NEW KING'S PRIMARY SCHOOL – COMPLETION OF STATUTORY NOTICE PERIOD AND RECOMMENDATION TO PROCEED.

Report of the Cabinet Member for Education and the Cabinet Member for Children's Services

Open Report

Classification - For Decision

Key Decision: YES

Wards Affected: Town, Sands End, Parsons Green and Walham

Accountable Executive Director: Andrew Christie, Tri-Borough Executive Director for Children's Services

Report Author: Ian Heggs, Tri-Borough Director of Schools Commissioning

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1. EXECUTIVE SUMMARY

- 1.1 On 16 July 2013 the Council began consultation on related proposals under the Education and Inspections Act 2006 for the discontinuance of Sullivan Primary School and the enlargement of New King's Primary School. Consultation on these related proposals took place from 16 July 2013 to 8 October 2013. A decision was taken to proceed with the proposals and a statutory notice was issued dated 21 October 2013 and the period for making representations in response to that notice ended on 11 December 2013. The purpose of this report is to inform Cabinet of the consultation responses and the representations made during the statutory notice period, to provide information about the legal process to be followed and to set out key factors which must be considered by Cabinet when making this decision and to make a recommendation to Cabinet.

2. RECOMMENDATION

- 2.1 That, following full consideration of all relevant matters, including in particular all of the consultation responses, all of the representations received during the statutory notice period, the factors set out in this report and the Equalities Impact Assessment, Cabinet agrees to implement the proposals for the discontinuance of Sullivan Primary School and the enlargement of New King's Primary School, subject to the following conditions being met by 1 August 2014: (1) planning permissions being granted for both the interim accommodation at the Sullivan site and the proposed extension and remodelling of the New King's Primary School buildings (see **Appendix G**); and (2) the making of any agreement under section 1 of the Academies Act 2010 for the establishment of a New King's Primary

School as an academy; and authorises the Director of Schools Commissioning and Director of Law to undertake the necessary procedures to implement the proposals, including giving formal notification to the Department for Education.

2.2 These are related proposals so that either both or neither must be approved.

3. **REASON FOR DECISION**

3.1 For a number of years, to include the current school year, there have been surplus places at both Sullivan Primary School and New King's Primary School. The Council is therefore able to make proposals to discontinue Sullivan Primary School and enlarge New King's Primary School on this basis. The Council is obliged to follow a process prescribed by statute which includes consultation, a decision to proceed, publication of a statutory notice and complete proposals, further representations and then the decision to either agree or reject the related proposals.

4. **BACKGROUND**

4.1 On 8 July 2013 the Cabinet Member for Education gave authorisation to begin a consultation exercise on related proposals to discontinue Sullivan Primary School and enlarge New King's Primary School on the New King's Primary School site.

4.2 On 16 July 2013 a full consultation process then took place with all stakeholders including parents, governors, all staff at both schools, the local MP and ward members. The period of consultation ran for a period of 12 weeks and completed on 8 October 2013.

4.3 The Council then considered the consultation responses and a decision was made to issue a statutory notice dated 21 October (**Appendix N**) and complete proposals dated 30 October 2013 to proceed with the related proposals to discontinue Sullivan Primary School and enlarge New King's Primary School (**Appendices E and F**). Representations were received during the statutory notice period which ended on 11 December 2013.

5. **PROPOSALS**

Primary pupil place planning and surplus places

5.1 At New King's Primary School and at Sullivan Primary Schools, first and second parental preferences have historically been low compared with other schools in the borough as set out in **Appendix I**. The numbers in each year group in each school as of May 2013 and as set out in the original consultation proposal are set out below:

	PAN*	Reception	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
New King's Primary School	30	20	28	22	25	20	29	25
Sullivan	45	36	44	38	39	39	27	30
Capacity	75	-19	-3	-15	-11	-16	-19	-20

*PAN - Published Admission Number

Closing Sullivan (currently 45 places a year) and enlarging New King's Primary School (currently 30 places a year) with a single two-form entry school providing 60 places a year

in total would be in line with the Council's Schools of Choice policy, which aims to increase choice for parents by providing more outstanding, high-achieving and oversubscribed schools as well as rationalising provision where there are surplus places. It is noted that there is also capacity at Langford Primary School. However this school serves the need for primary places to the east of Wandsworth Bridge Road where there are no other primary schools nearby. New King's Primary School and Sullivan are located nearby to each other and the table above shows that there is insufficient demand for two separate primary schools providing 75 places between them. Most pupils attending the schools live nearby to both schools and would easily be able to access the enlarged school on the New King's Primary School site.

Updated capacity data at both schools

- 5.2 Since the data above was published in July, further information has been collated from both schools and the information below is for each year group at Sullivan and New King's Primary School as of October 2013 and is shown below:

	PAN*	Reception	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
New King's Primary School	30	23	21	27	24	25	22	30
Sullivan	45	45	39	42	36	40	39	31
Capacity	75	-7	-15	-6	-15	-15	-14	-14

*PAN - Published Admission Number

This information provided by the schools shows that there continues to be a significant number of spare places in almost every year group in both schools. Neither school has a waiting list for any of its classes. The reception class at Sullivan Primary School is now full, but it is noted that, of the 45 places available, only 32 were offered in response to on-time applications, which is broadly in line with previous years, and that the remaining 13 were offered to late applicants (10 new arrivals, who had not made an on-time preference; 3 as a result of a further preference being made, having not been offered any of their original on-time preferences).

In its response to the consultation, which is attached in full to **Appendix C**, and in its representation, which is attached in full to **Appendix D**, Sullivan Primary School has predicted that its school roll will increase in the future, but the school has not produced the evidence to show that there will be a change in the long-standing pattern of under-subscription at reception (with the exception of 2013 referred to above), nor that empty places in other classes across the school will fill. The school's nursery class is full and has a waiting list, but the nursery is subject to a separate admissions policy and therefore it is incorrect to predict that nursery children will automatically fill the reception class.

Population projections

- 5.3 Since the consultation began, the Council has updated its school place planning projections, which were submitted to the Department for Education (DfE) in October 2013. The DfE requires the Council to submit projections up to 2017-18, which it has done, but in addition, the Council has also used the GLA population projections in order to project demand for school places over the next ten years. In **Appendix B**, these projections are then matched against current spare capacity in primary schools, and any new or expanded provision that has come or will come onstream. This shows that due to the expansion of

popular schools, such as Holy Cross and St. John's and the opening of new schools, such as the West London Primary Free School, there is sufficient capacity in the borough to meet current and future demand. On this basis, if the Council reduces the number of reception places on offer by 15 a year from September 2015 at the enlarged New King's Primary School, there will not be a shortage of primary school places in the borough.

It should also be noted that when looking at spare capacity alone in the primary sector in the current academic year 2013-14, there are 955 spare primary places in Hammersmith and Fulham (see **Appendix O**). Of the 955 spare places, 166 are in the north of the borough, 289 are in the centre and 500 of them are in the south of the borough. It is likely that this imbalance of spare primary places, heavily weighted towards the south of the borough, will continue in future years. These ongoing spare primary places in the south of the borough will cater for any additional demand that might arise from new developments, such as South Riverside in Fulham. According to data submitted in October 2013, Langford Primary School, located near the South Riverside residential development, had 110 unfilled places.

6. ISSUES RELATING TO THE PROPOSALS

An improved educational offer for children in Fulham

New King's Primary School

- 6.1 As part of its vision to become an outstanding and oversubscribed school, New King's Primary School has recently approached the Council setting out its proposals to convert to academy status working with Thomas's London Day Schools, a local independent school trust with a strong reputation. New King's Primary School is judged by Ofsted in its most recent inspection of the school in December 2012 to be 'Good' with some outstanding features, and its published results are above the national average. It is reasonable to predict that the academy conversion application would be approved by the Department for Education (DfE), as it currently meets the criteria set out in the DfE guidance. The Council fully supports New King's Primary School aim, but firstly wishes to rationalise provision where there is spare capacity, and invest in the school building in order to provide state-of-the-art facilities for teaching and learning through a major refurbishment programme. The governing body at New King's Primary School agreed to delay its consultation on academy conversion until the Council had consulted on the expansion of New King's Primary School and the closure of Sullivan, but intends to consult on this proposal shortly after the Council has made its decision. If the closure of Sullivan and enlargement of New King's Primary School were approved, then the Council would support New King's Primary School with its academy conversion proposal working closely with Thomas's

The proposal to enlarge New King's and to discontinue Sullivan, and thus the capital investment in the New King's buildings, would be conditional on an agreement being made by 1 August 2014 for New King's Primary School to be established as an academy.

In its joint representation with Thomas's London Day Schools, which is attached to **Appendix D**, New King's Primary School has set out in detail their joint plans for conversion of the enlarged two-form entry school into the proposed Parsons Green Academy on the New King's Primary School site. Changes would include a broadening of the curriculum, introducing a particular focus on science and music, with new specialist classrooms and specialist teaching, including an art studio, music room, computing suite and a junior science laboratory linked to an outdoor classroom and greenhouse, as well as a multi-

sensory room. The intention would be to install two lifts, thus making the school fully accessible for children with a range of disabilities. The redesigned outside areas would receive significant investment to ensure that pupils retain the opportunity to bring their learning outside. The Council is prepared to fund these capital works in order to deliver this fully inclusive curriculum vision at the enlarged two-form entry New King's Primary School, which is likely to be popular with parents and would significantly improve the educational offer for children in Fulham. All of these elements would be included in the capital contribution to the New King's Primary School building scheme.

Sullivan Primary School

- 6.2 Sullivan Primary School has put forward an alternative proposal to convert to academy status and join the London Diocesan Board of Schools (LDBS) Academy Trust. Sullivan is judged by Ofsted in its most recent inspection of the school in May 2010 to be 'Good' with some outstanding features and its published results are above the national average, so again it is reasonable to predict that the academy conversion application would be approved by the Department for Education, as it meets the criteria set out in the guidance. The Cabinet Member for Children's Services and the Director of Schools Commissioning met with the school and a representative from the LDBS Academy Trust to hear more about their proposal. More details about Sullivan's proposal are included in its representation, which is attached to **Appendix D**. The LDBS offer, as set out in Sullivan's representation, appears to be more limited than that offered by Thomas's working as a partner with New King's Primary School, in terms of its impact on the breadth of the curriculum and on standards. There is a lack of overall detail in Sullivan's representation about the improved educational offer for children that would result from academy conversion with the LDBS.

As part of its plans, Sullivan also proposes expanding to two forms of entry, but it is unclear from their proposal how the academy conversion in itself would enable Sullivan Primary School to become more popular with parents than it is now. It is noted that, unlike New King's Primary School which plans to convert after its enlargement to a two-form entry school, Sullivan is proposing to convert to academy status as a one and a half form entry school. Sullivan has now completed its consultation process on academy conversion and has passed a resolution to proceed with a formal application to DfE at a governing body meeting in November 2013. It is our understanding that the Secretary of State for Education should give consideration to any proposal currently being consulted on, such as closure, before making a decision on academy conversion.

Costs savings

- 6.3 By creating a single school on a single site, it is estimated that reductions in running costs of approximately £400,000 per annum (**see Appendix J**) could be achieved from the combined budgets of both schools, which would be reinvested directly in additional teaching and learning, providing more teachers, including more specialist teachers and the opportunity for smaller class sizes. Standards are already above national averages at both schools, but it is expected that the enhanced curriculum opportunities set out above will improve standards further for children from both schools.

Opportunities for capital investment in school buildings

Condition surveys of existing school buildings

- 6.4 As part of an ongoing programme, condition surveys were undertaken by the Council's

consultants, EC Harris, for Sullivan Primary School in December 2011 and New King's Primary School in December 2012.

The Sullivan Primary School survey recommended a new roof and a programme of window replacement. Together with other works, this was costed at £1.165m. In September 2013, the school's independent survey, conducted by EJ Hawkins, noted that a large part of the roof had by then been replaced, but the window replacement had not been carried out. The report stated that the school building is not reaching the end of its current life and estimated that £750,000 was required over 10 years to maintain its current standard, with a further £570,000 required for window replacement and other works. The Council's consultant, EC Harris, carried out a second inspection of the school in September 2013 at which time roof works were in progress in some areas. The report costed the works required over a 5 year period at £912,700 including £350,000 for roof replacement.

The New King's Primary School survey identified condition works costed at £1.699m over a 5-year period. None was classified as requiring immediate attention, and the highest element, in terms of cost, accounted for £1.277m but was the lowest priority, programmed for Year 5. This mainly related to external structural work, such as roof works.

Investment proposals

- 6.5 Both schools are roughly the same size in terms of floorspace, but the traditional Victorian construction of New King's Primary School (as well as its architectural status) compared with the 1950s construction of Sullivan Primary School supports the view that a far longer lifespan would be achieved by investment in the New King's Primary School building.

Victorian school buildings, whilst 100 years old, provide large, airy classrooms with good natural light and flexible space. Their main structure, walls, floors and roofs are usually still sound, and their services are relatively simple to maintain. If kept in good repair, as New King's Primary School has been, they will continue to be viable and economic school buildings for many years. New additions can supplement these buildings with high quality design and efficient services.

The Council proposes to invest £3.8m in the full refurbishment of the enlarged New King's Primary School buildings, to create a two-form entry school equipped with the latest teaching facilities. It would be expected that some of the costs identified in the condition survey of New King's Primary School would be included in this investment, particularly internal works. The longer term works identified in the existing condition survey, such as repairs to the roof, are additional to this investment.

An initial feasibility study has now been carried out and extracts from the architect's visuals, including plans for a new specialist science centre at the rear of the site, are attached in **Appendix G**. The specification for the feasibility study takes account of the fact that some year groups will have up to 75 pupils in them and will therefore require three main teaching classrooms per year group. This would include all the space currently occupied by the independent Parayhouse School, which has a lease of much of the top floor, expiring in 2016. Parayhouse School has indicated that it is keen to relocate to more suitable accommodation. Planning permission would be required for these works, both at the New King's Primary School site and for the interim accommodation at the Sullivan site.

Sullivan Primary School was built in the 1950s to a design typical of the era, with an intended lifespan of a minimum of 50 years. The buildings are single or two storey in height.

The Council's surveyors have confirmed that building a new two-form entry school would cost approximately £6m, plus demolition, site clearance and phased on-site decanting costs which would be likely to add £500,000 to the cost.

Sullivan Primary School commissioned a separate report by its independent surveyor, which sets out the estimated costs of converting the existing school buildings to a two-form entry school. There were two options, costed at £780,000 and £1m respectively, but this would retain the existing buildings. The surveyor also advised that the cost of accommodating New King's Primary School on a temporary basis on the Sullivan site whilst New King's Primary School is refurbished, would cost approximately £422,000 (**see Appendix D**). This is not dissimilar to the sum the Council has already calculated for temporary accommodation on the site.

It is the Council's view that were Sullivan Primary School to be retained and extended, the buildings are more likely to require replacement at an earlier date than the New King's Primary School buildings. This has been confirmed by the Council's surveyors. A new two-form entry school on the Sullivan site would cost at least £6m at current estimates, plus demolition, site clearance, and phased on-site decanting costs which would be likely to add £500,000 to the cost, making a total of £6.5m. Therefore a stronger case exists for the refurbishment and improvement of New King's Primary School at a cost of approximately £3.8m, plus re-location and temporary decanting costs, totalling £4.4m (see paragraph below), which would provide better value for money overall.

Future use of the Sullivan site

- 6.6 There has been a well publicised debate about whether the Sullivan site or the New King's Primary School site could be used for the proposed Fulham Boys' School, a secondary Church of England Free School.

The current proposals must be considered on their merits in relation to primary schooling including the various factors referred to below. The alternative use of land or buildings that may be vacated in the event of a particular option being adopted is not a matter which can be a reason for adopting, or not adopting, the recommended proposals.

7. NEXT STEPS

- 7.1 It is proposed that with effect from 1 September 2014 New King's Primary School will be permanently enlarged to accommodate pupils of New King's Primary School and Sullivan Primary Schools. Sullivan Primary School will be discontinued from the same date.
- 7.2 The enlargement of New King's Primary School would take place in two phases:
1. For the academic year 2014/2015 New King's Primary School would operate from the existing site at Sullivan Primary School, which would have been discontinued. However the admissions criteria for each school would remain the same for the September 2014 intake and therefore up to 75 children may be admitted to reception. The published admissions number for Sullivan Primary School is 45 pupils and for New King's Primary School it is 30 pupils.
 2. During the academic year 2014/2015 the Council will undertake a programme of refurbishment and enlargement of the existing New King's Primary School. In September 2015 New King's Primary School will return to its existing site with the

permanent proposed capacity of 420 pupils or 60 per year group. All current pupils on roll at both schools will be accommodated at the new school. The Sullivan Primary School site will be vacated by September 2015, or as soon as possible thereafter.

8. CONSULTATION PROCESS AND ANALYSIS

8.1 Following the Cabinet Member decision on 8 July 2013, a consultation process began. The consultation process ran for a period of 12 weeks, from 16 July to 8 October 2013, and comprised the following activities:

- Stakeholder feedback survey
- Consultation leaflet with response form, plus online consultation on the LBHF website
- Public meetings for parents and stakeholders at both schools
- Meetings for staff at both schools
- Public viewing of consultation responses on 26 and 27 November

8.2 As at 10 October 2013, the response to the consultation was:

1,367 Agree with the proposal

2,226 Disagree with the proposal

75 Don't know

13 N/A (unticked)

8.3 Broken down in more detail, the responses were:

	Sullivan	New Kings	Other	Total
Disagree				
Parents	854	27	155	1036
Staff/stakeholders	123	5	116	244
Pupils	101			101
Other	615	13	217	845
Total	1693	45	488	2226

	Sullivan	New Kings	Other	Total
Agree				
Parents	23	37	1047	1107
Staff/stakeholders	1	20	30	51
Other	2		207	209
Total	26	57	1284	1367

8.4 The vast majority of responses, where a postcode was given, were from people living in the borough, or nearby. Only 127 responses were from postcodes from further afield. A large number of responses, 854, were received against the proposal from parents at Sullivan Primary School *and parents who associate themselves with Sullivan*; and from others 'associated' with the school (615) who were neither parents or staff. 101 responses were received from pupils associated with Sullivan Primary School. Large numbers of responses were completed by people who were not local parents or staff; 284 in favour of the proposal

and 869 against. 244 staff, governors and other school stakeholders were against the proposal compared to 51 in favour.

There were 80 responses from one single “Three” mobile IP address, all anonymous and all definitely disagreeing with the proposals. It is possible that this resulted from large groups of people meeting together and submitting their responses, one after the other, on one mobile device, but the lack of identifying data makes this group of responses worth noting.

The largest response in favour of the proposal (1047) was from parents not associated with either school. The favourable responses are largely from those associating themselves with the proposed Fulham Boys’ Free School. As stated above, the proposed creation of the free school is not a matter which should be taken into account in determining the proposals. Local residents who are not supporters of the free school, not defining themselves as parents of boys at local CE primaries keen to see a CE boys’ secondary, are almost without exception against the loss of Sullivan Primary and concerned about the potential impact on the local area.

8.5 Sullivan Primary School representatives also delivered two petitions. One – ‘Save our Sullivan’ – has 1,440 signatories. The phraseology used on the sheets is about the council proposing to close the school and asks: ‘Please sign our petition to help save our school’. The cover states: ‘We are presenting this as part of the consultation procedure’. Of these, 376 (26 %) of the postcodes supplied were a considerable distance outside the borough or supplied no address. 970 of the signatories live in the borough. The remainder, 103, live in areas just outside the borough.

8.6 The other is an online ‘38 degrees’ petition, which asks signatories to ‘please help stop the proposal to close Sullivan Primary School’ and claims 2,168 signatures. Of these, 1,089 (50.2%) of the postcodes supplied were a considerable distance outside the borough. 686 were within the borough and 393 were postcodes in neighbouring areas.

Sullivan representatives also delivered 3 copies of their formal response, each with four appendices (condition surveys and cost estimates), plus two photo books.

The several letters, emails and submissions received have not been counted in the totals above.

8.7 Representations disagreeing with the proposal have been received from: PRARA (Residents’ Association for Peterborough Road and other roads around South Park), HDRA (Hurlingham District Residents Association), The Fulham Society, City Events Ltd. the Polo in the Park organisers, H&F Liberal Democrats, The Executive Board of the Fulham College Academy Trust and the NUT. Several different submissions came from Hurlingham and Chelsea School – from Stephen Greenhalgh as Chair of Governors and in a personal capacity, from Phil Cross as Head, plus another from the staff body, with 59 signatories ‘formally objecting’ to the proposal.

Favourable submissions (agreeing with the proposal) have been received from: the Chair and Head of New King’s Primary School and Greg Hands MP.

A full analysis is shown in **Appendix C**.

9. REPRESENTATIONS FOLLOWING STATUTORY NOTICE PERIOD, COMPLETE PROPOSALS AND ANALYSIS OF RESPONSES

- 9.1 Statutory notices were published dated 21 October 2013, starting a six-week representation period - giving an opportunity for individuals and organisations to express their objections to as well as support for the proposals.
- 9.2 The complete proposals were published on 30 October 2013 and the six-week period for representations ended on 11 December 2013. The notices were published widely, as legally required, and the period for representations and public viewing sessions for the original consultation responses were publicised on the website, in residents' e-newsletter mailings and by press releases.
- 9.3 The majority of the representations received by the close of the statutory notice period of 11 December 2013 were opposed to the proposal. Nine representations from organisations were received objecting to the proposal, plus a further 100 from individuals and a letter signed by 10 LBHF headteachers and a 'Stop the closure of Sullivan Primary' petition with 969 signatures. A representation supporting the proposal was made by New King's Primary School; a further three were received supporting the proposal, two from individuals, and one from the Chairman of the West London Free School Academy Trust. The proposers of Fulham Boys School (FBS) made a strictly neutral representation. Letters supporting FBS but not commenting on the closure and enlargement proposals were received from 37 businesses, individuals, educators and faith groups, including a letter signed by 68 members of a Fulham church congregation.

There was considerable correspondence in this period between organisations and individuals and the council (Members and officers). For the purpose of this analysis, the figures quoted refer to the number of people making specific representations rather than their several items of correspondence.

A full analysis is shown in **Appendix D**.

10. OPTIONS AND ANALYSIS OF OPTIONS

10.1 The Council can decide to:

- (a) reject the proposals;
- (b) approve the proposals;

In this case any approval should be conditional on:-

- planning permissions being granted for both the interim accommodation at the Sullivan site and the proposed extension and remodelling of the New King's Primary School buildings by 1 August 2014; and
 - the making of any agreement under section 1 of the Academies Act 2010 by 1 August 2014 for the establishment of New King's Primary School as an academy
- (c) approve the proposals with a modification or modifications after further consultation as appropriate, including with Sullivan Primary School and New King's Primary School.

The proposals are related and should either be approved together or rejected together (whether with a modification or not).

The recommended option is to approve the proposal to enlarge New King's Primary School and discontinue Sullivan Primary School. The principal advantages and disadvantages of this option (referred to as option A), are now compared with those of rejecting the proposals and maintaining the status quo (referred to as option B).

Option A: Discontinue Sullivan Primary School and Enlarge New King's Primary School (recommended)

Pros

- Provides the required two forms of entry
- Enhanced educational vision set out by New King's Primary School will be delivered, providing a broadened curriculum offer but with additional facilities for more specialist teaching
- School buildings offer scope for alterations and enlargement
- Capital investment in the region of £3.8m (plus decanting and temporary accommodation) is considerably less than the likely cost of re-building Sullivan Primary School.
- The existing buildings are considered capable of extended life following refurbishment and investment

Cons

- New King's Primary School is a smaller site than the Sullivan Primary School site.
- There is no scope for further expansion in future on the New King's Primary School site. However any need for additional places in the area could, if necessary, be met locally by reason of spare places being available elsewhere locally.

Option B: Maintain two separate schools and retain the status quo

Pros

- Would allow expansion on both sites for future additional places

Cons

- Does not address the ongoing issue of spare places in these two primary schools
- Does not provide the economies of scale that would enable the delivery of an improved educational offer
- Significant ongoing maintenance requirements for both school buildings

11. FURTHER RELEVANT FACTORS UNDER STATUTORY GUIDANCE

System shaped by parents

- 11.1 Parental preference has resulted in both schools having *surplus* places. Accordingly these proposals are not a case, of schools expanding/closing because one is significantly more popular than the other. It is believed the changes proposed to the educational offer by New King's Primary School at the enlarged two-form entry school will help create a popular and oversubscribed school.

Standards

- 11.2 Currently, both schools perform well and the percentage of pupils achieving National Curriculum Level 4+ in reading, writing and maths in 2013 was 84% at New King's Primary School and 83% at Sullivan (national average – 79%). The most recent Ofsted reports for both schools show that groups of pupils, including those with special educational needs,

those eligible for the pupil premium and those from minority ethnic backgrounds, perform well. It is believed that the proposed improvements to the educational offer at the enlarged New King's Primary School as set out in **Appendix D**, enabled through the economies of scale achieved by moving from two schools to one, including the recruitment of specialist intervention teachers, will contribute to raising local standards of provision and continue to reduce attainment gaps for these groups of pupils.

Diversity and SEN

- 11.3 Currently both schools provide SEN inclusive provision which contributes to the LBHF mainstream local offer for children with high incidence lower levels of SEN and/or for parents of children with a statement of SEN whose preference is for education in mainstream.

SEN provision in the planned New King's Primary School will enhance the offer of a range of provision to meet the needs of individual children and takes full account of educational considerations to ensure a broad and balanced curriculum within a learning environment in which children can be healthy and safe. There would be no displacement of any pupil with SENs.

The plans for development of New King's Primary School include provision for replication and/or enhancement of existing acoustic treatment, which improves the acoustic environment for children with hearing impairment and for those children with speech, language and communication needs for whom listening and comprehension can be a challenge.

The school environment will be organised in such a way as to maximise the engagement of children with autism in education and the life of the school on both the temporary Sullivan and the final New King's Primary School sites through clear visual cues for different areas of the school reflecting the specific use of, for example, classrooms, dining hall, library. Provision will include workstations for those students for whom reduced sensory overload is a preferred environment for learning. Additionally, wherever possible consideration will be given to provision of sufficient circulation space to avoid congestion and over-crowding during break and/or unstructured periods.

The proposed changes support the Council's strategy for making schools and settings more accessible to disabled children and young people and promote equality of opportunity for children through the planned addition on the New King's Primary School site and accessible toilets, which will enable the mainstream SEN provision to meet the needs of children with physical disabilities in an environment that is safe.

The plans proposed by New King's Primary School include provision of access to three specialist teachers to deliver interventions to support children with learning difficulties both on the temporary and final school sites, will provide support and advice so that pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.

The expansion of New King's Primary School and the planned enhancement of the arrangements and provision for children with SEN through the above measures are expected to lead to improvements in the standard and quality of provision for children with

SEN, which is the SEN Improvement Test that Local Authorities must demonstrate to parents, the local community and decision-makers.

It is expected that enhancements to the expanded New Kings School will ensure the basis for a strong offer for children with SEN within the local community.

The proposed temporary school provision on the Sullivan site will provide at least as good provision as children with SEN currently experience. The temporary site will be adapted to ensure that the provision for children with hearing impairment of an acoustic environment, currently provided in New King's Primary School is replicated to ensure provision meets the needs of these pupils. This represents an improvement for children at Sullivan Primary School.

It is recognised that children with SEN and those with autism, in particular, find change challenging and that this can impact on educational progress. Consideration has been given to the best way of mitigating potential negative impact through planned teaching assistant support for familiarisation through visits, sharing of photos of the new environment, providing clear timetables of planned dates and times for move-related activity. It is expected that these steps will support continuity of educational progress.

Every Child Matters

- 11.4 The proposals will not have an adverse effect on every child's ability to achieve their potential in line with the principles of the former government policy 'Every Child Matters' which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic wellbeing. It is believed that the improved educational offer at the enlarged New King's Primary School should enhance delivery of these aims.

Provision for Displaced Pupils

- 11.5 There will be no displacement, as every pupil at Sullivan will be guaranteed a place at the enlarged New King's Primary School and the proposed admissions arrangements from September 2015, subject to consultation in spring 2014, will give priority, as they do now, at both schools to children with a Statement of Special Educational Needs and to looked-after children siblings of current pupils would then receive priority followed by an inclusive community intake prioritising those children living closest to the point halfway, by road, between New King's Primary School and Sullivan. This would ensure equal access for both current school communities. This addresses the concern raised during the consultation by the Imam of Al-Muntada School Trust. Any changes to this admissions policy would be subject to consultation by the governing body.

From September 2015, the Governing Body of the enlarged New King's Primary School will decide the mix of full and part-time places in the combined nursery classes, but the current proposed number of full-time equivalent nursery places on offer at the enlarged New King's Primary School will be 60, which is in line with the proposed reception intake of 60 pupils from September 2015.

Surplus places

- 11.6 These proposals would have the effect of reducing surplus places and help ensure that education is provided as cost-effectively as possible taking account of the aims of raising standards and respecting parental choice.

Early Years Provision

- 11.7 From September 2015, the Governing Body of the enlarged New King's Primary School will decide the mix of full and part-time places in the combined nursery classes, but the current proposed number of full-time equivalent nursery places on offer at the enlarged New King's Primary School will be 60, which is in line with the proposed reception intake of 60 pupils from September 2015. This figure of 60 full-time equivalent nursery places is broadly in line with the current combined total number of nursery places at both schools. The proposed early years provision at the enlarged school will maintain the standard of educational provision and flexibility of access for parents.

Through its Children's Centre spoke and its nursery provision, New King's already offers integrated pre-school education with childcare services. The enlarged New King's School will maintain this offer for children and parents, but it will be delivered from the temporary Sullivan site from September 2014 for one year.

Equal Opportunities Issues

- 11.8 These are dealt with in the relevant Equality Implications section and in the section on Diversity and SEN. It is believed that the proposals should increase educational opportunities for disadvantaged groups by providing education of better equality for all, and that there will be increased provision specifically for children with SEN.

Funding and land

- 11.9 The capital funding for the proposed works is confirmed, as set in the relevant section of this report.

Impact on the community

- 11.10 Both schools provide a range of extended services, which will continue as they do now, both at the interim and at the permanent sites. New King's Primary School is also a Children's Centre spoke and the services offered to the local community will continue to be offered as they are now, but will be delivered from the temporary Sullivan site from September 2014.

Community Cohesion and Race Equality

- 11.11 The ethnic profile of both schools' pupils is similar and it is expected that the communities the two schools serve will not face any adverse impact as a result of the proposal and that their needs will be served by the enlarged New King's Primary School. The views of different sections of the community as expressed during the consultation about the proposal have also been fully considered and are referred to in **Appendix H**, which also sets out the race equality factors that have been considered. It is not expected that there will be a negative impact on community cohesion or on pupils by virtue of their race.

Travel and accessibility for all

- 11.12 The two schools are sited close by to each other and as most pupils live locally, it is not expected that there would be an increase in travel times to the enlarged New King's Primary School. All pupils currently entitled to home-school travel assistance, for example the two pupils at Sullivan with a physical disability, who have met the Council's published eligibility criteria would continue to receive the same travel support as they do now.

12. EQUALITY IMPLICATIONS

- 12.1 The Equality Impact Assessment published in July 2013 has been updated and is contained in **Appendix H**. It sets out in detail what the likely impact of the proposals will be on those groups of pupils with protected characteristics and steps which will be taken to mitigate against them.
- 12.2 The Equality Impact Assessment has been undertaken as part of the Council's duty under section 149 of the Equality Act 2010 to have due regard to the need to -
- (a) eliminate unlawful discrimination
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 12.3 As such the Council must have due regard to equality implications of the related proposals in reaching a decision.

Implications verified by Carly Fry, Opportunities Manager, LBH&F, Telephone 0208 753 3430,

13. PLANNING IMPLICATIONS

- 13.1 The Sullivan Primary School buildings date from the 1950's and comprise part single and part two storey, concrete clad with aluminium windows and doors and are set within fairly spacious grounds of approx 1.06 ha. The New King's Primary School is a three storey (with half levels), late Victorian Board School set on a site of approx 0.37ha. The main building is constructed from yellow and red brick with timber casement windows and keystone details and presents a significant elevation to Kings Road.
- 13.2 Typical planning considerations for proposals to develop on either site would be those relating to impact on adjoining occupiers/land uses, design, impact on trees, contaminated land, flood risk, sustainability, highways and travel, air pollution, noise and vibration.
- 13.3 At the existing Sullivan Primary School site there is greater potential for a more comprehensive redevelopment of the existing buildings, for re-use and extension of the existing buildings and for the erection of temporary structures. There are a number of significant trees along the boundary and within the Sullivan Primary School site which would need to be subject of a tree survey, the site is also in a high flood risk zone, and any proposals for more pupils on the site would need to be subject to a revised travel plan. Proposals for the interim use of this site from September 2014 for additional temporary accommodation would require the submission of a planning application and this is likely to take a period of 2-3 months to determine.
- 13.4 At New Kings Primary School there is probably scope at the rear of the building for ground floor extensions and some new build to the rear of the main building. The main planning considerations are likely to be the impact of any new build on the amenities (including light and outlook) of adjoining residential properties, the design, appearance and location of any new build in relation to the main retained Victorian Board School building, any potential loss of school play ground, highway and travel considerations with an increased school roll and the site being within a high flood risk zone.
- 13.5 Any proposals to develop additional floorspace at New King's Primary School would require the submission of a planning application. Proposals would need to be developed in

conjunction with planning officers through the pre-application advice process. A period of 4-6 months would need to be programmed for the pre-application and planning application process and therefore in order to allow for a 12 month build programme, the pre-application advice process would need to commence as soon as possible in February 2014 which would allow for pre-application negotiations and a 3 month planning application process starting in April with an estimated decision in Summer 2014.

Implications verified by: Christina Parker, Principal Planner (Projects) Tel: 020 8753 3503.

14. FINANCIAL AND REVENUE IMPLICATIONS

14.1 The financial implications of the proposals can be broken down into two parts: capital implications and revenue Implications. These are set out below:

Capital implications

14.2 Both school sites are owned by the Council. Implementing the recommended decision would require extensive building works and enabling works, to accommodate a 2-form school on the New Kings site, the implications of which are set out below.

- Alterations and extension of New King's Primary School currently costed at approximately £3.8m.
- Decant provision currently estimated at approximately £0.5m
- Alteration of alternative premises in Fulham to create space for Parayhouse School currently costed at £100,000, inclusive of irrecoverable VAT.
- No further condition survey works or other capital investment in the Sullivan Primary School buildings.

All of the above costs will be funded from the Council's Basic Need and Maintenance grant provision, which has a current balance of £10.245m. Allocating £4.4m (the sum of the above costs) for works and decants would leave a revised balance of £5.845m.

Revenue implications

14.3 The revenue cost of running schools are funded from within the Dedicated Schools Grant which is received and generally distributed on a per pupil basis. As such a 2-form entry school of 60 pupils per year would receive similar funding to two schools running under capacity as New Kings and Sullivan generally are at present. Merging the schools on a single site would

- Saved costs of schools carrying vacant places.
- Saved costs of maintaining the Sullivan site.
- Improved buildings at New King's Primary School leading to lower running costs.
- Reduced staff costs.

14.4 It is estimated that DSG savings of approximately £400,000 per annum could be achieved, which would be available for reinvestment in teaching and support staff, providing more learning resources and the opportunity for smaller class sizes. See Appendix J.

Implications verified/completed by: Dave McNamara, Director of Finance and Resources (Children's Services), tel: 020 8753 3404.

15. HUMAN RESOURCES IMPLICATIONS

- 15.1 A proposed new staffing structure for the enlarged New King's Primary School will be sent out to all staff at both schools for consultation and staff at Sullivan Primary School will be given every opportunity to seek redeployment at New King's Primary School Primary School, as stated by New King's Primary School in their representation in **Appendix D**. Many of them, both teaching and non-teaching staff, will be able to take up posts at New King's Primary School should they wish to do so, thereby providing continuity for pupils at both schools.

Implications verified by: Andy Inett, Bi-borough HR Manager, Schools Team, tel: 0208 753 1555

16. RISK MANAGEMENT

- 16.1 A number of actions will be taken to minimise the risks associated with the recommendation. They include but are not limited to:

- Planning risk as identified in the relevant section above
- Staffing, pupil and parent and educational and communications risk.
- Information risk, such as records transfer to the new school.
- Procedural matters, including legal challenge.
- Optimum timing to enable the most efficient route to achieving recommendation 1.
- Phasing of re-locations.
- Planning permission and other approvals and responding to any objections or clarifications such as they may arise.
- Procurement and successful selection and award of building contracts and their project management.

A Risk Register will be compiled and maintained as part of the works programme and will form part of the departments existing risk management framework.

Implications verified/completed by: Michael Sloniowski, Bi-Borough Risk Manager, Telephone 0208 753 2587.

17. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 17.1 Should the proposals be approved, the building works required to deliver an enlarged school on the New Kings site are reported to be approximately £3.8m plus decanting and re-location costs. This value is below the current threshold of £4,322,012 for works contained in the Public Contracts Regulations 2006 (EU Procedure) which would necessitate a mandatory OJEU contract notice and fully regulated competition, but should nonetheless still be procured in accordance with the Council's Contracts Standing Orders to help demonstrate value for money. If the current estimate of £3.8m is subsequently revised upwards over £4m, it may become prudent for officers to consider placing an OJEU notice to ensure statutory compliance and avoid any potential future delay to the works completion.
- 17.2 Should the proposals be approved, consideration will be given to whether the value of the works is such that their procurement should be subject to a mandatory OJEU contract notice and regulated competition in accordance with EU derived obligations. In case of doubt it may be prudent for officers to place an OJEU notice to ensure statutory compliance and avoid any potential future delay to the works' completion. Whether or not the EU

procedures are required, the works must be procured in accordance with the Council's Contracts Standing Orders to help demonstrate value for money.

Implications verified/completed by: Francis Murphy, Principal Procurement Consultant, Telephone 0208 753 2211

18. LEGAL IMPLICATIONS

- 18.1 The current proposals to discontinue Sullivan Primary School and enlarge New King's Primary School are governed by the detailed procedural requirements of the Education and Inspections Act 2006, regulations under that Act, and two sets of statutory guidance from the Secretary of State (one in relation to the proposed closure, the other in relation to the proposed enlargement, which are at **Appendices L and M**).
- 18.2 In summary, the procedural steps are:-
- (1) consultation before the issuance of a statutory notice of the proposals;
 - (2) the issuance of the statutory notice of the proposals
 - (3) representation period in response to the statutory notice
 - (4) Council decision.
- 18.3 In reaching a decision, members must take into account relevant factors. The two sets of statutory guidance set out many of the factors which are to be taken account. These, along with other relevant matters, are referred to in this report.
- 18.4 Members must also take into account the outcome of pre-notice consultation and representations made in response to the statutory notice.
- 18.5 Deputations are expected at the Cabinet meeting and the views expressed by the deputations must also be taken into account.
- 18.6 The Council must also abide by the public sector equality duty, which is explained in this report.
- 18.7 The options open to the Council are to:-
- (a) reject the proposals;
 - (b) approve the proposals;

In this case any approval should be conditional on:-

- planning permissions being granted for both the interim accommodation at the Sullivan site and the proposed extension and remodelling of the New King's Primary School buildings by 1 August 2014; and
- the making of any agreement under section 1 of the Academies Act 2010 by 1 August 2014 for the establishment of New King's Primary School as an academy

- (c) approve the proposals with a modification or modifications after further consultation as appropriate, including with Sullivan Primary School and New King's Primary School.

No modification is proposed or recommended by officers.

- 18.8 The proposals to discontinue Sullivan Primary School and enlarge New King's Primary School are related and should either be approved together or rejected together (whether with a modification or not).
- 18.9 Certain stakeholders have the right to refer Cabinet's decision to the Schools Adjudicator, an independent decision maker who will consider the proposals afresh in the event of such a reference.

Implications verified/completed by: Joyce Golder, Principal Solicitor, Tel: 0207 361 2181

Andrew Christie
Tri-Borough Strategic Executive Director of Children's Services

LIST OF APPENDICES:

- A. Other implications (see separate schedule)
- B. Pupil Place Planning projections – 2014-24
- C. Summary of responses to consultation, October 2013
- D. Summary of representations received
- E. Complete Proposal for the Enlargement of New King's Primary School.
- F. Complete Proposal for the Discontinuance of Sullivan Primary School.
- G. Extract from architects' visuals for proposed New King's Primary School extension and re-modelling
- H. Equality Impact Assessment
- I. First and Second School Preferences
- J. Revenue savings model
- K. Timeline for capital works
- L. DfE guidance: Closing a Maintained Mainstream School
- M. DfE guidance: Expanding a Maintained Mainstream School
- N. Statutory Notice
- O. Spare capacity in primary schools in Hammersmith and Fulham

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1	Cabinet Member Decision 8 th July 2013		
2	Cabinet Members' Decision 17 th October 2013		

Contact officer(s): Ian Heggs, Tri-Borough Director of Schools Commissioning, email: Ian.Heggs@lbhf.gov.uk, Tel: 020 8753 2880.

Other Implications

1. Business Plan – this proposal will be included in the School Organisation and Investment Strategy 2014-15
2. Risk Management – The risks outlined above will be identified in subsequent reports
3. Health and Wellbeing, including Health and Safety Implications - none
4. Crime and Disorder - none
5. Staffing - staffing issues will be addressed in a subsequent report
6. Human Rights - none
7. Impact on the Environment – environmental issues will be dealt with during the planning process as outlined in the report above.
8. Energy measure issues - none
9. Sustainability – sustainability issues will be dealt with during the planning process as outlined in the report above.
10. Communications – a consultation strategy will be implemented as part of this scheme

**London Borough of
Hammersmith & Fulham
Cabinet
Minutes**

Monday 20 January 2014

PRESENT

Councillor Nicholas Botterill, Leader (+ Regeneration, Asset Management and IT)
Councillor Greg Smith, Deputy Leader (+ Residents Services)
Councillor Helen Binmore, Cabinet Member for Children's Services
Councillor Mark Loveday, Cabinet Member for Communications (+ Chief Whip)
Councillor Marcus Ginn, Cabinet Member for Community Care
Councillor Andrew Johnson, Cabinet Member for Housing
Councillor Victoria Brocklebank-Fowler, Cabinet Member for Transport and Technical Services
Councillor Georgie Cooney, Cabinet Member for Education

ALSO PRESENT

Councillor Stephen Cowan
Councillor Steve Hamilton
Councillor Lisa Homan
Councillor Caroline Needham

142. MINUTES OF THE CABINET MEETING HELD ON 6 JANUARY 2014

RESOLVED:

That the minutes of the meeting of the Cabinet held on 6 January 2014 be confirmed and signed as an accurate record of the proceedings, and that the outstanding actions be noted.

143. APOLOGIES FOR ABSENCE

There were no apologies for absence.

144. DECLARATION OF INTERESTS

There were no declarations of interest.

Councillor Cooney stated that the legal advice she had been given was that she does not have any interest to declare but in the interest of transparency she would like to mention that she knows a lot of people who are involved with schools some of whom are friends. For example, she knows Councillor Steve

Hamilton, who is a Governor at Sullivan School, whom she had worked with for four years. She has known Arabella Northey, who is a founding member of Fulham Boys School, for many years. The position of Fulham Boys School is not a material consideration for this decision. There is a long list of members of Governing bodies plus teachers whom she has trained whilst she had lectured on the OCR Level 5 – Teaching Understanding Learners with specific learning difficulties who she may still see occasionally.

None of these contacts have influenced her work with the proposals. She does not consider that she has any interest to declare under the Code of Conduct, as a significant interest. The legal advice received was that she does not have to withdraw from the decision being made.

Councillor Lisa Homan mentioned that she is an ex Governor and ex parent of Sullivan school.

145. PROPOSED AMALGAMATION OF NEW KING'S AND SULIVAN SCHOOLS ON THE NEW KING'S SITE

The Leader welcomed those present to the meeting and outlined the order of business. He assured the attendees that the meeting would be chaired fairly and in an even-handed and fair manner, providing an opportunity for people to speak and ask questions.

Councillor Binmore, Cabinet Member for Children's Services, gave a presentation setting out the reasons for the amalgamation of New Kings and Sullivan Schools, relating primarily to the issue of spare places. She noted that the amalgamation will offer real educational benefits to parents and provide parental choice. Part of the proposed £3.8 million investment in New Kings will secure a state of the art science laboratory. The rebuilt New Kings will have better facilities including a specialist science suite, multi-sensory facilities, and a wider curriculum for the children, with lower overall running costs. It would be able to deliver a broader specialist science curriculum with its new junior laboratory. The New Kings site was chosen because it is a solid Victorian building (purpose built) for 2 classes per year. The Sullivan School condition survey showed that it would require compete rebuilding costing around £6 million. This higher level of expenditure would deprive other schools of much needed investment. Therefore, taking into consideration all these factors, the amalgamation of New Kings and Sullivan Schools on the New Kings site make sense.

Councillor Cooney, Cabinet Member for Education, spoke about the proposed Special Needs provision for children at both schools. She noted that the permanent move to the New Kings School would be particularly positive for pupils with Special Educational Needs and Disabilities. The best practice was to speak to individual parents about meeting their child's needs. A comprehensive Equality Impact Assessment (EIA) had been carried out and a detailed action plan produced. The impact would be positive on the children once on the permanent New Kings site as additional resources would be provided, along with specialist intervention teachers. Economics of scale will release extra funding to invest in the children's education.

Andrew Christie, Executive Director for Children's Services, gave a presentation outlining the key reason for proposing to amalgamate New King's and Sullivan Schools. He informed the meeting of a minor amendment to the report on page 22 regarding the equalities implications. He clarified that the Council had sought Counsel's advice on the matter.

He outlined the key reasons as follows:-

- **Surplus Places**

There were currently spare places in almost every year group in both schools, which were within 10 minutes' walking distance of each other. Considering the residency of the pupils attending both schools in January 2013, it was demonstrated that almost all pupils live close by the two schools.

- **Spare Places In Fulham**

The last school census figures (October 2013) showed that classes across the year groups were not full in a number of Fulham's primary schools, including Sullivan and New King's. There were 500 spare places currently in the south of the borough, compared to 166 in the north and 289 in the centre of the borough.

- **Extra Places Provided**

In response to rising demand, the Council has provided a total of 616 extra places per year in popular and oversubscribed Fulham primary schools over the last four years. These extra places have proved extremely popular with parents; all have filled been across each year group, including the 88 extra reception places.

- **Parental preferences**

This is not an issue of standards as both Sullivan and New King's schools are rated Good by Ofsted, but parental preferences are low by comparison with other local schools at a time when overall demand is increasing. Provisional preference data for reception for 2014 currently shows a lower overall total number of preferences made for both schools compared to 2013, although this data is subject to change

- **Better Economies of Scale**

Moving to a single school model means that £400,000 per annum can be saved and reinvested in teaching and learning. This saving has been calculated by comparing the existing running cost of the two schools against a comparable 2 form entry school elsewhere in the Borough.

- **Improving school buildings and facilities**

Both schools need significant investment to maintain their buildings. No further Basic Need funding has been allocated to the Council for 2015-17. Therefore,

resources must be used carefully. The cost of work to create a new school on New King's school site makes sense at £3.8 million compared to Sullivan School replacement cost of £6 million.

- **Future vision**

On 27 June 2013, New King's approached the Council with a plan to convert to academy status working with Thomas's London Day Schools. It was the view of officers that the new curriculum offer proposed by New Kings should also be made available to children currently at Sullivan and that the new educational offer in fully refurbished facilities at New King's will be popular with parents.

During the consultation period, Sullivan School submitted an application for academy status, with the London Diocesan Board for Schools Academy Trust. Officers have carried out an appraisal of both academy proposals and are of the view that the Sullivan proposal is not as substantial as New Kings School's academy conversion proposal working in partnership with Thomas's London Day Schools.

In conclusion, he recommended the proposal to amalgamate New King's and Sullivan Schools on the New Kings School site to Cabinet for the reasons outlined above.

Deputations

The Leader welcomed Ms Rosie Wait, Ms Wendy Aldridge and Mr Paul Kennedy to the meeting and invited them to present their deputations.

Ms Rosie Wait (Chair of Governors) and Ms Wendy Aldridge (Head Teacher) addressed the meeting. Ms Wait queried the justification for spending £5 million to address the surplus by only 15 primary places and commented that the reason for the proposal was to free up the Sullivan School site for the Fulham Boys Free school.

Ms Wendy Aldridge stated that Sullivan was one of the top 250 schools in the country. The school has a track record in raising the attainment of less able pupils using Pupil Premium. The school is providing the best opportunities for pupils. Since July, the Council had not offered the school an opportunity to discuss, collaborate or negotiate the best solution for Sullivan. The Council has dismissed the School's proposal for academy status. Spare capacity and better economies of scale are not justifiable reasons for amalgamating the schools as it will cost £330,000 per pupil to create 15 extra spaces at New Kings but £55,000 per pupil on the Sullivan School site. Sullivan will provide better value for money. Council officers have indicated that the Sullivan School site is the preferred site for the Fulham Boys School. Finally, she asked Cabinet not to ignore the wishes of the Sullivan children, families, teachers and community who support the preservation of Sullivan Primary School.

The Leader thanked Ms Wait and Ms Aldridge for the deputation. Members were invited to ask the deputees questions. Questions were asked on the following issues:-

- Nursery places – It was explained that this year only 21 pupils who had reached the appropriate age could transfer from the nursery to primary school.
- Future of the School – The parents' anxiety and nervousness about the future of the school had affected parental preferences for reception for 2014.
- Alternative Funding – There has been no dialogue with the Council over the cost of refurbishing Sullivan School at £55,000 per pupil against the Council's proposal of £330,000 for the extra 15 places.
- Fulham Boys School – Officers noted that the Council was being open and transparent in its consultation document. It would be the Department for Education and the Education Funding Agency, not the Council, which would undertake a feasibility study for a free school.
- Consultation – No groups were ignored. All consultation responses were included in the published documents and all the views were considered by Members. The consultation was about Sullivan and New Kings Schools and not Fulham Boys School.
- Plan for Surplus places – the school had planned to submit an innovative bid to address the surplus places.

The Leader invited Mr Paul Kennedy to present his deputation.

Paul Kennedy noted that residents living in or near the Fulham Court, Lancaster Court, Barclay Close and Pulton Place estates were concerned about the impact of closing a community school attended by children from disadvantaged families. He was of the view that Sullivan School is a Pupil Premium success story, and its continuing success is critical to breaking the link between poverty and education outcomes and improving social mobility in the Borough. The decision to close Sullivan School will deprive the areas of a top-performing community primary school. He requested the Council to allow Sullivan's academy application supported by the London Diocesan Board for Schools to be considered on its merits by the Department for Education. Furthermore, the Council should allow Sullivan School to build on its success as an independent academy run for the benefit of its children and the wider community, free of local authority control and secure in the knowledge that it will not be subject to arbitrary closure.

The Members asked Mr Kennedy some questions and made comments. The Leader noted that the decision making process was not arbitrary. Proper consideration of the key issues was being undertaken. It was reiterated that the Council proposed to invest £3.8 million of basic need grant for 15 places per year group. As both schools required significant investment, the best decision was to amalgamate the schools on a single site. The decision was not about the standard of education provided by either school.

The following responses were made to questions and comments from Members.

There are no detailed statutory regulations setting out how to conduct a consultation process, but the Government's guidance does recommend a minimum of 6 weeks. The Council allowed 12 weeks of consultation. Regarding other factors than demographics which could influence demand,

officers acknowledged the impact of standards, particularly increasing attainment levels for pupils on pupil premium. Attainment at both schools is currently higher than the national average. It was noted that the new offer will be better than what is provided in the most popular schools in the Borough. The trend of percentage of Borough children who are educated in the Borough has increased in recent years. Overall the Council has seen an increase in the number of pupils taking up places in the Borough's schools. It was noted that, nationally, academies have a faster rate of improvement than maintained schools; locally Burlington Danes moved from special measures to outstanding following academy conversion. The New Kings School academy proposal was considered to be better than the Sullivan School proposal due to the robust details provided and the considerable benefits derived from the Thomas's offer and proposed new arrangements. Regarding the condition survey and building size comparison, it was noted that the nature of the construction of New Kings School - which was a purpose built two form entry building - will have a longer life span than Sullivan School. It would therefore be a better investment to put £3.8 million into New Kings than Sullivan.

Regarding the Health and Well Being of the children, an Opposition member noted that the children would be vulnerable to developing obesity on the smaller site and asked whether public health experts had been consulted on the proposal. Furthermore, Sullivan site was three times the size of New Kings with a large botanical garden. New Kings School was on a polluted site near a major road which could be detrimental to the health of the children. It was noted that a lot of activities were undertaken outside the school to ensure the health of the children, and that regular PE and after school provision were in place. Most inner London schools face the issue of pollution, which can be addressed by looking at the school's layout. An Equalities Impact Assessment had been undertaken and would be developed further once a decision had been made on the proposals. Most London schools have restricted spaces which are creatively used for multi-functional activities.

The Council commenced dialogue with Sullivan and New Kings Schools around four years ago to talk about federation proposals. These were not progressed by either Governing Body. The Council had only recently received notification of the academy conversion applications from Sullivan. In relation to a comment about officers announcing at the first meeting that the Council was closing their school, it was stated that the discussion was around the proposal to launch a consultation on the closure of Sullivan and the expansion of New Kings.

Regarding sites discussed by Members for the location of a Free School in Fulham, the Leader, and Councillors Binmore and Cooney noted that they had not had regular meetings with the sponsors of Fulham Boys to discuss how they could find an appropriate site for the school. Councillor Binmore stressed that she had not travelled around the borough looking for sites for the Fulham Boys School. It was emphasised that Fulham Boys School was not a material consideration to the decision. Discussion about surplus places in Fulham, particularly at New Kings and Sullivan School, had been ongoing for a long time. Invitations were made to all schools by Councillor Binmore in 2011 and 2012 to provide innovative solutions to secure capital investment.

On the consultation responses, as previous stated, a decision was made to include all the responses in the documentation. A consistent and correct procedure had been followed. The detailed building surveys were undertaken by EJ Hawkins on behalf of Sullivan and by EC Harris on behalf of the Council. Change Management was a key issue to avoid disruption to pupils and teachers alike. Support would be provided to ensure that there is no negative impact on the children's education. Council officers would also be working with the staff.

Continuity of education for children with familiar staff, strong leadership and support from Thomas's London Day Schools were part of the measures that would be put in place to ensure that the best from both schools was brought together. A formalised partnership with Thomas's London Day Schools would help increase attainment in the new school. The meeting was informed that discussions regarding surplus places in Fulham had commenced during the Building Schools for the Future programme around four years ago. The first firm proposal for academy status was received from New Kings School, then Sullivan's proposal during the consultation. Sullivan School was proposing to increase nursery provision as a means of filling places.

Officers agreed to circulate to members a note on capital expenditure on both schools over the last eight years and the condition surveys. On the risk of children developing obesity, a member commented that local parks are highly utilised by schools. The proposal would increase such usage. Councillor Cowan asked for the publication of all emails and correspondence between the Cabinet and the Fulham Boys School sponsors. The Leader said that this was not necessary or relevant to the proposals under discussion.

A question and answer session was then opened to the public. The following comments and answers were given in response to questions.

A parent noted that the children were getting upset because of the proposals. She was of the view that the teachers at Sullivan were brilliant and the school was welcoming and friendly. Another parent asked what support the Council would be providing to the 70% of the parents who would not be sending their children to the New Kings School. A teacher noted that a large proportion of the local head teachers condemned the proposals. It was suggested that if nursery places were increased, the children would move up the roll and the surplus spaces would be filled.

In response, it was noted that teachers recognise that the resources have to be used carefully and the schools with the local authority must ensure the best offer is provided to children. The projections set out in the report show that the demand for future school places can be met through current spare capacity and increased provision in the Borough. The Council has to take a strategic view and a decision on behalf of all parents in the Borough. The proposal would provide more choice for parents and spaces at a popular school. Support would be provided to parents as part of the change management process. If parents choose not to accept a place at New Kings, there would be a place available for all children at a School in the borough.

The meeting was informed that Sullivan Nursery has a huge waiting list. Parents do not choose Sullivan Primary once they have been turned down for a nursery place. Officers noted that there was no automatic progression from nursery to reception as schools have separate nursery and primary admission policies. Nursery places do not drive enough children into the reception places to solve the problem. In addition, the Council is not in a position to support the expansion of nursery places as the Government is currently revising its nursery funding which might be based on part-time places only. A resident suggested that the issue had been inflated by Fulham Boys School. Members reiterated that Fulham Boys School was not a relevant factor in the decision. Finally, officers explained certain stakeholders such as the Roman Catholic and Church of England diocesan and the affected Governing Body have the right to refer the Cabinet's decision to the Schools Adjudicator who will consider the proposals afresh in the event of such a referral.

The Leader thanked everyone for participating in the debate. He summarised the key issues and reasons for Cabinet to make a decision to amalgamate New Kings and Sullivan Schools. He noted that the paramount issue was the current surplus places at both New King's Primary School and Sullivan Primary School. Both schools were good schools. However, the proposal would combine what is the best of both schools to make a truly excellent school. He was of the view that the decision would ensure an improved education provision for the children, particularly if New King's entered into an agreement to convert to an academy in line with the information they have provided to the Council to date. It will also mean that the Borough did not continue to run two schools with ongoing surplus places and the associated costs attached to two sites. It would make better economic sense to have one site and reduce the running expense. Finally, making the case for change was a difficult one but a decision could not be deferred. The Cabinet should support the recommendations to amalgamate New Kings and Sullivan Schools as outlined in proposal (b) in paragraph 10.1 of the report.

RESOLVED:

- 1.1 That, following full consideration of all relevant matters, including in particular all of the consultation responses, all of the representations received during the statutory notice period, the factors set out in this report and the Equalities Impact Assessment, Cabinet agrees to implement the proposals for the discontinuance of Sullivan Primary School and the enlargement of New King's Primary School, subject to the following conditions being met by 1 August 2014: (1) planning permissions being granted for both the interim accommodation at the Sullivan site and the proposed extension and remodelling of the New King's Primary School buildings (see Appendix G); and (2) the making of any agreement under section 1 of the Academies Act 2010 for the establishment of a New King's Primary School as an academy; and authorises the Director of Schools Commissioning and Director of Law to undertake the necessary procedures to implement the proposals, including giving formal notification to the Department for Education.
- 1.2 These are related proposals so that either both or neither must be approved.

Reason for decision:

As set out in the report.

Alternative options considered and rejected:

As outlined in the report.

Record of any conflict of interest:

None.

Note of dispensation in respect of any declared conflict of interest:

None.

146. KEY DECISIONS LIST

RESOLVED:

The Forward Plan was noted.

Meeting started: 6.00 pm

Meeting ended: 8.39 pm

Chairman

London Borough of Hammersmith and Fulham

CALL IN REQUEST

Call-in provisions apply only to key decisions. The reason for calling in must be given below.

Call-in requires at least 50% of the voting members of the relevant scrutiny committee. Voting co-opted members of Education and Children's Services Select Committee have call-in rights on education matters.

We, the undersigned, request that the following item from the list of decisions taken by the Cabinet and published on: 22nd January 2014, be called in for scrutiny by the Education and Children's Services Select Committee, in accordance with the Overview and Scrutiny procedure Rules.

Item 4. PROPOSED AMALGAMATION OF NEW KING'S AND SULLIVAN SCHOOLS ON THE NEW KING'S SITE

Reason for calling in:

We offer the following reasons as the basis for calling in the above decision and reference them to the LB Hammersmith and Fulham's Articles of the Constitution, 12.02 Principles of decision-making:

- (a) "taking into account all relevant considerations and ignoring all irrelevant considerations;"
 - i. The Council has not properly or objectively considered the schools performance when making its decision. The 2013 SATs results place the school 233rd out of 16,884 primaries in England when measured through the Value Added score, putting it firmly into the top 2% in the country an achievement recognised by the Minister of State for Schools on 17.12.2013 as an "excellent performance of your pupils, particularly your disadvantaged pupils". The Mayor of London awarded Sullivan Primary School the Gold Club distinction which is an accolade "recognising good work for disadvantaged pupils". There are other factors relating to performance that need to be considered by committee.
 - ii. The Council has miscalculated the detrimental effect the amalgamation/closure will have. Forty percent of all children fail to make expected progress during the year following a change of school. Additionally, this progress is slowed further with more than one change of school. (Schwartz & Stiefel 2009). There are additional detrimental effects particularly towards disadvantaged children which have not properly been considered or taken into account.
 - iii. The Council has not properly or objectively considered Sullivan Primary School's popularity. Given that LBHF states a surplus of places as justification for the closure it is critical this is properly considered. According to the Council's own figures and looking across the 37 primaries in the Borough, Sullivan was placed 5th in terms of increase in popularity with parents over the past year. The four schools ranked above Sullivan had introduced 'bulge classes' to deal with the increase in demand for primary provision. Sullivan currently has 29 children on the waiting list for Nursery despite it being considered for closure. During the past three years, the school has twice approached the Council with proposals to expand its Nursery from 26 places to match the Reception intake of 45 places. Both times the Council has refused this request. Indeed, LBHF has failed to make any formal, written proposal to Sullivan Primary School about this issue. There are two primary schools in very close proximity to Sullivan who experience worse figures. There are other factors and

evidence that needs to be taken into account and properly considered by the Select Committee that relates to this matter.

iv. The Council has given undue consideration to the views, requirements and preferences of the founders of the Fulham Boys School in making this decision which school to close. On 24th November 2013 the Borough's director for school improvement wrote in an email to the Head and governors of Sullivan Primary School that: *"I spoke to Alex Wade, the founder of the Fulham Boys' School last week and he confirmed that he was not aware of your alternative proposal and that it had not been discussed with him. He also confirmed that, should the proposals go ahead, he did not see your alternative plan as workable and that the clear preference of the Fulham Boys' School governors and Headteacher would be for a new secondary school on the larger and more suitable Sullivan site."*

v. The Council has not properly considered the health and wellbeing of the children currently at both New Kings Primary School and Sullivan Primary School when choosing the site the amalgamation. It has failed to properly review its obligations to tackle increasing levels of obesity or note the differences in air quality and Sullivan's better, more conducive environment for learning and wellbeing, particularly relevant to primary and disadvantaged children. There are other factors which need to also be taken into account.

vi. The Council has failed to properly take into account that it's self-confessed "developer friendly" planning policies are delivering high amounts of extra housing in the Borough with huge expected increase in population. It has given undue reliance on national and GLA census figures. It has therefore not properly considered the likely demand for primary school places

vii. Miscalculations concerning the economies of scale or value of money of the Sullivan closure. Lack of reference to increasing borough land values causing an unreasonable loss to the public purse. New information needs to be considered.

(b) "due and appropriate consultation, and the taking of professional advice from officers;"

i. The consultation had significant flaws in the information presented to residents, parents and others and how the consultation returns were verified, presented and considered. The Council did not take appropriate measures to separate out the issue of the amalgamation and closure of Sullivan Primary School with the provision of the new Fulham Boys School. Indeed some of its actions may have added to public misunderstandings. The Council included approximately 950 consultation responses which were concerned solely with the provision of the Fulham Boys School and not to the amalgamation in the figures it presented to Cabinet on 20th January 2014. The Council publically asserted that the issues of the Sullivan closure and FBS were separate but this is contradicted by its actions during the consultation and the information presented to Cabinet Committee. The Council included responses that did not meet the equality standard and could be considered racist or prejudiced. The results and popularity of Sullivan Primary School were misrepresented during the consultation process. There are other factors and additional evidence that the Select Committee needs to consider.

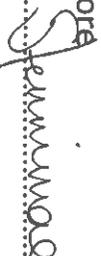
(c) "compliance with the European Convention on Human Rights (ECHR);"

i. The Council appears to have breached several aspects. It failed to properly ensure equality, take into account disadvantage and did not properly act to ensure an equitable consultation. There are several other factors that need to be considered by the Select Committee.

Councillor or voting education co-optee

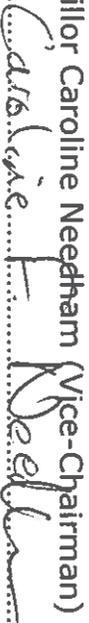
Name: Eleanor Allen

Signature: 

Name: Sue Fennimore
Signature: 

Name: Nadia Taylor
Signature: 

Name: Philippa O'Driscoll
Signature: 

Name: Councillor Caroline Needham (Vice-Chairman)
Signature: 

Name: Councillor Elaine Chumney
Signature: 

Name: Councillor Mercy Umeh
Signature: 

Date called in: 24th January 2014

The deadline date is the expiry of three working days after the publication of the decision (not including date of decision). This date will be published on the front of the Cabinet decision list.

PLEASE RETURN THIS CALL-IN FORM TO COMMITTEE SERVICES ROOM 133A, HAMMERSMITH TOWN HALL BEFORE 3.00PM ON THE DAY OF CALL-IN DEADLINE BY ONE OF THE FOLLOWING MEANS LISTED OVERLEAF:

1. Post or deliver to the Committee Services, Room 133A, Hammersmith Town Hall, marking "Call-in" clearly on envelope

2. E-mail to kayode.adewumi@lbhf.gov.uk

If you have any queries, please contact the relevant scrutiny committee coordinator on the number listed below or Kayode Adewumi, Head of Governance and Scrutiny (tel: 020 8753 2499)

COMMITTEE CO-ORDINATORS

SELECT COMMITTEES	CO-ORDINATOR
Overview & Scrutiny Board	Craig Bowdery Tel: 020 8753 2268
Transport, Environment & Residents Services Select Committee	Owen Rees Tel: 020 8753 2088
Education and Children's Services Select	Laura Campbell

SELECT COMMITTEES	CO-ORDINATOR
Committee	Tel :020 8753 2062
Housing, Health & Adult Social Care Select Committee	Sue Perrin Tel: 020 8753 2094

January 2014

Appendix D - Report responding to reasons set out in the call-in request regarding the Cabinet decision taken on 20 January 2014

(a) 'Taking into account all relevant considerations and ignoring all irrelevant considerations'

1. The Cabinet has considered all relevant factors before making its decision, which included standards. Paragraph 11.2 of the Cabinet report states that:
*Currently, both schools perform well and the percentage of pupils achieving National Curriculum Level 4+ in reading, writing and maths in 2013 was 84% at New King's Primary School and 83% at Sullivan (national average – 79%). The most recent Ofsted reports for both schools show that groups of pupils, including those with special educational needs, those eligible for the pupil premium and those from minority ethnic backgrounds, perform well. It is believed that the proposed improvements to the educational offer at the enlarged New King's Primary School School as set out in **Appendix D**, enabled through the economies of scale achieved by moving from two schools to one, including the recruitment of specialist intervention teachers, will contribute to raising local standards of provision and continue to reduce attainment gaps for these groups of pupils.*
2. The Cabinet acknowledges the achievement of both schools and notes that New King's was ranked as the top school in the borough for pupil progress in English and maths in 2012. The Council has congratulated Sullivan on its achievement in winning the Mayor's Gold Club award, but also notes that many other high-achieving schools in the borough, including New King's, were not eligible to apply for this award as they had less than 30 pupils in the relevant Year 6 class.
3. The Cabinet has considered the possible detrimental effects of the proposal on pupil progress and notes the points made in the research paper (Schwartz and Stiefel 2009), namely that the 'short-term impact of structural moves is negative and relatively small (~0.03)' and that whilst the 'impact of non-structural moves is larger... articulated moves have positive effects' depending on the timing and articulation of the move.
4. The Council is working closely with New King's and Sullivan Primary Schools to finalise a detailed implementation plan to help children prepare for the transition and ensure that any negative impact on pupil progress is mitigated. The equality impact assessment in **Appendix H** sets out a detailed analysis of all the children belonging to groups with protected characteristics and the steps that will be taken to ensure that their learning is not disrupted during the transition phase.
5. The Cabinet has considered properly and objectively the factors relating to surplus places and states in paragraphs 5.1-5.3 of the report that:
*At New King's Primary School and at Sullivan Primary Schools, first and second parental preferences have historically been low compared with other schools in the borough as set out in **Appendix I** of the report.*

Closing Sullivan (currently 45 places a year) and enlarging New King's Primary School (currently 30 places a year) with a single two-form entry school providing 60 places a year in total would be in line with the Council's Schools of Choice policy, which aims to increase choice for parents by providing more outstanding, high-achieving and oversubscribed schools as well as rationalising provision where there are surplus places. It is noted that there is also capacity at Langford Primary School. However this school serves the need for primary places to the east of Wandsworth Bridge Road where there are no other primary schools nearby. New King's Primary School and Sullivan are located nearby to each other and the table above shows that there is insufficient demand for two separate primary schools providing 75 places between them. Most pupils attending the schools live nearby to both schools and would easily be able to access the enlarged school on the New King's Primary School site.

Updated capacity data has been collated from both schools and the information below is for each year group at Sullivan and New King's Primary School as of October 2013 and is shown below:

	PAN*	Reception	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
<i>New King's Primary School</i>	30	23	21	27	24	25	22	30
<i>Sullivan</i>	45	45	39	42	36	40	39	31
<i>Capacity</i>	75	-7	-15	-6	-15	-15	-14	-14

***PAN - Published Admission Number**

This information provided by the schools shows that there continues to be a significant number of spare places in almost every year group in both schools. Neither school has a waiting list for any of its classes. The reception class at Sullivan Primary School is now full, but it is noted that, of the 45 places available, only 32 were offered in response to on-time applications, which is broadly in line with previous years, and that the remaining 13 were offered to late applicants (10 new arrivals, who had not made an on-time preference; 3 as a result of a further preference being made, having not been offered any of their original on-time preferences).

*In its response to the consultation, which is attached in full to **Appendix C**, and in its representation, which is attached in full to **Appendix D**, Sullivan Primary School has predicted that its school roll will increase in the future, but the school has not produced the evidence to show that there will be a change in the long-standing pattern of under-subscription at reception (with the exception of 2013 referred to above), nor that empty places in other classes across the school will fill. The school's nursery class is full and has a waiting list, but the nursery is subject to a separate admissions policy and therefore it is incorrect to predict that nursery children will automatically fill the reception class.*

Since the consultation began, the Council has updated its school place

*planning projections, which were submitted to the Department for Education (DfE) in October 2013. The DfE requires the Council to submit projections up to 2017-18, which it has done, but in addition, the Council has also used the GLA population projections in order to project demand for school places over the next ten years. In **Appendix B**, these projections are then matched against current spare capacity in primary schools, and any new or expanded provision that has come or will come onstream. This shows that due to the expansion of popular schools, such as Holy Cross and St. John's and the opening of new schools, such as the West London Primary Free School, there is sufficient capacity in the borough to meet current and future demand. On this basis, if the Council reduces the number of reception places on offer by 15 a year from September 2015 at the enlarged New King's Primary School, there will not be a shortage of primary school places in the borough.*

*It should also be noted that when looking at spare capacity alone in the primary sector in the current academic year 2013-14, there are 955 spare primary places in Hammersmith and Fulham (see **Appendix O**). Of the 955 spare places, 166 are in the north of the borough, 289 are in the centre and 500 of them are in the south of the borough. It is likely that this imbalance of spare primary places, heavily weighted towards the south of the borough, will continue in future years. These ongoing spare primary places in the south of the borough will cater for any additional demand that might arise from new developments, such as South Riverside in Fulham. According to data submitted in October 2013, Langford Primary School, located near the South Riverside residential development, had 110 unfilled places.*

6. There has been a well-publicised debate about whether the Sullivan site or the New King's Primary School site could be used for the proposed Fulham Boys' School, a secondary Church of England Free School. The current proposals were considered by Cabinet on their merits in relation to primary schooling including the various factors referred to below. The alternative use of land or buildings that may be vacated in the event of a particular option being adopted is not a matter which the Cabinet considered as a reason for adopting, or not adopting, the recommended proposals.
7. The Cabinet has considered the health and wellbeing of children at both schools when proposing the New King's site as the most suitable site for the enlarged school. In paragraph 11.4, entitled 'Every Child Matters', the Council notes that:

The proposals will not have an adverse effect on every child's ability to achieve their potential in line with the principles of the former government policy 'Every Child Matters' which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic wellbeing. It is believed that the improved educational offer at the enlarged New King's Primary School should enhance delivery of these aims.
8. Furthermore, significant benefits to children's learning would be achieved

through the delivery of the New King's vision as set out in Appendix D, supported by the Council's investment of £3.8m. In paragraph 6.1, the Council notes that:

Changes would include a broadening of the curriculum, introducing a particular focus on science and music, with new specialist classrooms and specialist teaching, including an art studio, music room, computing suite and a junior science laboratory linked to an outdoor classroom and greenhouse, as well as a multi-sensory room. The intention would be to install two lifts, thus making the school fully accessible for children with a range of disabilities. The redesigned outside areas would receive significant investment to ensure that pupils retain the opportunity to bring their learning outside. The Council is prepared to fund these capital works in order to deliver this fully inclusive curriculum vision at the enlarged two-form entry New King's Primary School, which is likely to be popular with parents and would significantly improve the educational offer for children in Fulham. All of these elements would be included in the capital contribution to the New King's Primary School building scheme.

9. The Cabinet has fully considered the local factors affecting the likely demand for primary school places. **Appendix B** sets out the school place planning projections for the period 2014-2024 and **Appendix O** sets out the existing spare capacity in all primary schools in the borough. These projections and the existing spare capacity in the borough's schools demonstrate that the Council can meet the demand for primary places over the next ten years.

10. It is not clear from the call-in request what new information should be considered, but it is noted in paragraph 6.3 of the report that:

*By creating a single school on a single site, it is estimated that reductions in running costs of approximately £400,000 per annum (see **Appendix J**) could be achieved from the combined budgets of both schools, which would be reinvested directly in additional teaching and learning, providing more teachers, including more specialist teachers and the opportunity for smaller class sizes. Standards are already above national averages at both schools, but it is expected that the enhanced curriculum opportunities set out above will improve standards further for children from both schools.*

11. It is also noted in paragraph 6.5 that:

It is the Council's view that were Sullivan Primary School to be retained and extended, the buildings are more likely to require replacement at an earlier date than the New King's Primary School buildings. This has been confirmed by the Council's surveyors. A new two-form entry school on the Sullivan site would cost at least £6m at current estimates, plus demolition, site clearance, and phased on-site decanting costs which would be likely to add £500,000 to the cost, making a total of £6.5m. Therefore a stronger case exists for the refurbishment and improvement of New King's Primary School at a cost of approximately £3.8m, plus re-location and temporary decanting costs, totalling £4.4m, which would provide better value for money overall.

(b) 'due and appropriate consultation, and the taking of professional advice from officers'

12. The Council ran a lengthy and well-publicised consultation process from 16 July to 8 October 2013. The responses were analysed in detail and a decision was taken to include all of the responses received during this public consultation. It is noted in paragraph 8.4 that:

The vast majority of responses, where a postcode was given, were from postcodes from further afield. A large number of responses, 854, were received against the proposal from parents at Sullivan Primary School, in excess of the numbers of parents with children attending the school and from others 'associated' with the school (615) who were neither parents or staff. 101 responses were received from pupils associated with Sullivan Primary School. Large numbers of responses were completed by people who were not local parents or staff; 284 in favour of the proposal and 869 against. 244 staff, governors and other school stakeholders were against the proposal compared to 51 in favour.

There were 80 responses from one single "Three" mobile IP address, all anonymous and all definitely disagreeing with the proposals. It is possible that this resulted from large groups of people meeting together and submitting their responses, one after the other, on one mobile device, but the lack of identifying data makes this group of responses worth noting.

The largest response in favour of the proposal (1047) was from parents not associated with either school. The favourable responses are largely from those associating themselves with the proposed Fulham Boys' Free School. As stated above, the proposed creation of the free school is not a matter which should be taken into account in determining the proposals. Local residents who are not supporters of the free school, not defining themselves as parents of boys at local CE primaries keen to see a CE boys' secondary, are almost without exception against the loss of Sullivan Primary and concerned about the potential impact on the local area.

(c) 'compliance with the European Convention on Human Rights (ECHR)'

13. No evidence has been provided to support this point. The Council has produced a full and detailed equality impact assessment in **Appendix H** and asserts that no convention rights have been breached.