

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

RESOLVED:

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