

Cabinet

Minutes

Monday 10 February 2014

PRESENT

Councillor Nicholas Botterill, Leader (+ Regeneration, Asset Management and IT)
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 Colin Aherne
Councillor Elaine Chumney
Councillor Stephen Cowan
Councillor Steve Hamilton
Councillor PJ Murphy
Councillor Mercy Umeh
Councillor Caroline Needham

164. APOLOGIES FOR ABSENCE

An apology for Absence was received from Councillor Greg Smith.

165. DECLARATION OF INTERESTS

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 were involved with schools, some of whom were 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 was a founding member of Fulham Boys School, for many years. The position of Fulham Boys School was not a material consideration for this decision. There was a long list of members of governing bodies plus teachers whom she had trained whilst she had lectured on the OCR Level 5 – Teaching Understanding Learners with specific learning difficulties who she may still see occasionally.

She did not consider that she had any interests to declare under the Code of Conduct relating to Special Motion 1 Sullivan Primary School.

166. CONSIDERATION OF ANY RECOMMENDATIONS FROM EDUCATION AND CHILDREN'S SERVICES SELECT COMMITTEE HELD ON 5 FEBRUARY 2014 - CALL IN OF THE CABINET DECISION - PROPOSED DISCONTINUANCE OF SULLIVAN PRIMARY SCHOOL AND ENLARGEMENT OF NEW KING'S PRIMARY SCHOOL - COMPLETION OF STATUTORY NOTICE PERIOD AND RECOMMENDATION TO PROCEED

The Leader welcomed those present to the meeting and outlined the order of business. He advised that the purpose of the meeting was for Cabinet to consider the recommendations of the Education and Children's Services Select Committee made on 5th February 2014 and the written reasons given by the Committee. The meeting would focus on examining the Select Committee's recommendations rather than the Cabinet decision. He reminded people of the Council's filming protocol particularly for filming not to be overtly obstructive.

He drew the meeting's attention to the minutes of the Cabinet meeting held on 20th January 2014, the unconfirmed minutes of the Education & Children's Services Select Committee meeting held on 5th February 2014 and a paper tabled by Councillor Needham at the meeting setting out the reasons why the decision was called-in and their concerns.

He noted that five deputation requests had been received and that each speaker would be allowed five minutes to address the Cabinet. He asked everyone to be succinct in order to allow the Cabinet sufficient time to consider the business specified on the agenda.

Deputations

Tony Cash, Miles Chester and Tobin Thomas

Tony Cash addressed Cabinet stating that he had examined very closely the plans related to the amalgamation of New King's and Sullivan schools. The new academy emerging from this process would be a superlative school which would deliver for all children now and in the future, more specialist teachers, an enriched curriculum and a more enhanced learning environment. A fruitful new partnership between state and independent sector in line with the vision of the Chief Inspector of Schools would be built.

Miles Chester presented a deputation on behalf of the leadership of New King's School and the Principals of Thomas's London Day Schools. He stated that they fully supported the decision to amalgamate New King's and Sullivan together on the New King's site. The combined school would deliver several key benefits:-

- An increase in the number, diversity and quality of front line staff
- An innovative, effective and significantly enriched curriculum

- A dramatically enhanced building and learning environment
- A partnership between state and independent sectors in line with the vision of the Chief Inspector of Schools.

The decision to amalgamate and invest in New King's would enable a far greater number of local children to benefit from an enhanced primary provision that would otherwise be unavailable. There were detailed plans to enable these two schools to amalgamate whilst maximising the possible benefits and reducing any potential barriers.

He stated that the two schools had been correctly, properly and objectively considered for amalgamation and they were equals in almost every way. He was of the view that academically, Sullivan had some excellent outcomes this year; however these are on the whole exceeded by the results at New King's. The "excellent performance of disadvantaged pupils" was recognised at Sullivan, yet performance of these children last year was even better at New King's with 88% achieving Level 4 or above in Reading, Writing and Maths compared to 82% at Sullivan. The pupil progress figures at Sullivan were again excellent, however they were also fantastic at New King's – in 2012 New King's had the best pupil progress figures in the Borough and again this year had most pupil progress scores within 1% of those at Sullivan.

There was clearly a solid level of achievement at both schools, but there was still room for improvement. Together, the two schools could drive standards even higher. In terms of popularity too, Sullivan and New King's were equals. Ultimately, neither school can genuinely count itself as a 'school of choice' - neither filled up their reception with first choices, unlike schools such as Holy Cross, All Saints and Miles Coverdale. Both schools had spare spaces in almost every class, and this was not, as had been suggested, a historical artefact as the spare spaces were evenly spread across all classes in both schools.

Anybody who had spent time in either of these schools knew that both Sullivan and New King's were great schools, both with fantastic staff teams, both supporting happy, thriving children and both with very high standards, especially for disadvantaged pupils. With a decision from the Council to support these proposals, the team would build on the best of both of these schools.

The significant capital investment and economies of scale were simply not available to the individual schools. Together they could be more than the sum of their parts. Together they had the opportunity to provide a secure future for inclusive community education in Fulham. The team believed that with all of these elements in place, the enlarged and enhanced school would be a school of choice.

Mr Tobin Thomas stated that the Thomas's London Day Schools had a reputation for delivery. It began in 1977 with 11 children in a part rented accommodation. Since then they had worked daily to deliver an all-round effective education for all their pupils. He urged Cabinet to support the

proposal before it, which in his view, provided the best opportunities for the widest number of children.

Paul Kennedy

He requested that Cabinet accept the recommendations of the Education and Children's Services Select Committee and support the parents, teachers and children of Sullivan School and the people of Fulham by rejecting closure. He raised the importance of Sullivan's excellent performance for children from disadvantaged backgrounds, including those with special education needs and those from ethnic and religious minorities.

He was of the view that the Council's report failed to mention any advantages to keeping Sullivan School open and completely ignored the impact on Sullivan children of being "decanted" to make way for the Fulham Boys School.

He expressed surprise at the Council's report in response to the Committee's recommendations as it:

- failed to provide a substantive response to the Committee's recommendations or the points submitted to the Committee which underlined those recommendations; and
- seeks to rely on an unconfirmed draft of the Select Committee's minutes.

He opined that convening the Cabinet meeting was rushed and premature. He submitted that the Cabinet had only two proper options to comply with its obligations to respect procedural fairness and administrative law. These were to:

- accept the Committee's recommendations in full since the report before it contains no substantive material to contradict the Committee's rationale for making those recommendations; or
- postpone the meeting and its consideration of the Committee's recommendations until it had a proper report which paid proper regard to the evidence submitted to the Committee, including confirmation of a correct record of the minutes of the Committee meeting, and the public have had an opportunity to make deputation statements in response.

He concluded that the original Cabinet report was biased and its analysis of the issues was unbalanced and incomplete. Therefore, Cabinet could not dismiss the Committee's recommendations because the points made were not properly addressed in the original Cabinet report. It should also not ignore the recommendations of the Education and Children's Services Select Committee and the thousands of representations made against closure.

Councillor Loveday noted that all the deputation documents which had been referred to by the deputees, including the additional submissions, had been circulated to Cabinet Members. Cabinet had had an opportunity to read them and would be taking the content into account when making a decision.

Dennis Charman

Mr Charman stated that the Council had not taken into consideration the impact of change on the children and professional community in Sullivan School. He noted that there were different reasons for introducing change. This could be introduced without impact or when circumstances forced change because a school became unviable or was failing. In this circumstance, Sullivan was a successful school providing a high level of education to all its pupils. Change was being imposed and the local authority had missed the opportunity to introduce and manage change successfully. The only way it could alleviate the impact of change was to take staff along with the proposal. In his view, the authority had not done so. It had missed the opportunity for dialogue with teachers. Unfortunately, teachers would move if they were not happy with the decision taken by the authority. This would totally undermine the strategy being put into place to ensure children from Sullivan were supported during the change process.

The decision taken would have an impact on the whole borough. Staff doing a good job across the borough would be looking at this with the fear that their school could be closed even though the school was doing well because the local authority had a wider strategy. He concluded that Cabinet had not considered the destabilising effect of Sullivan's closure on schools across the borough. It was time to review the Council's schools of choice policy.

Rosie Wait

Ms Rosie Wait explained why she disagreed with the closure of Sullivan Primary School and believed that the process was deeply flawed. As a consequence of the consultation, she and many others were disillusioned with the Council and its practices. However, the recommendations of the Education and Children's Services Select Committee provided a way to save Sullivan Primary School.

She stated that the Select Committee was presented with new evidence and key factors that Cabinet was meant to have taken into account. This had been circulated highlighting all the new information. She outlined the timeline and the outcome of meetings which took place leading up to the formal consultation. She stated that Fulham Boys School (FBS) took an active part in the consultation putting huge resources into getting people to submit that they wanted the FBS. There were 970 responses from the FBS supporters which had no relation to the consultation. If these were removed, less than 300 responses would be in support of the closure of Sullivan. She opined that the consultation was fixed.

She stated that there was compelling evidence that the Council, Mr Greg Hands MP, and RT Hon Michael Gove supported the opening of a new Fulham Boys School on the Sullivan School site. Therefore, the future of Fulham Boys School had always been central and directly connected to the process. The Council could not continue to state that Fulham Boys School

had nothing to do with the present issue and that no decision on Fulham Boys School had been taken when the Minister of State had announced that Fulham Boys School would take over the site.

She noted the revenue savings model did not refer to which year the identified savings would be realised. The figure show large job cuts, an increase in the combined building maintenance budget from £127,000 to £264,000 and no reference to redundancy and agency costs. She was of the view that the Council's predictions had changed and that rebuilding could not be achieved in one year. She concluded and urged Cabinet to accept the Select Committee's recommendations and instruct officers to implement their recommendations with immediate effect.

Peter Craig and Wendy Aldridge

In response to the statement made by officers at the Education and Children's Services Select Committee (ECSSC) meeting held on the 5th February 2014, Peter Craig and Wendy Aldridge stated that there was new evidence to be considered. The Council had failed to respond to the evidence in the documents submitted to it and the reasons for the call-in made by the Committee members. A further document had been distributed to all Councillors highlighting the new evidence and points that had not been responded to.

Wendy Aldridge raised the following three key issues:-

- Provision of Better Education.

The Council had failed to provide any adequate evidence to substantiate its claim that the children at the proposed merged school would receive a "better" education. The educational 'vision' for the merged school failed to say how it would actually maintain or improve current standards or how it would increase levels of parental preference. The Council had failed to set out a detailed comparison between the two provisions. The principal fault with the New King's vision was that it did not differ from what is already, and demonstrably, in place at Sullivan School.

The new evidence presented at the Select Committee meeting showed that Sullivan already outperforms provision at New King's in staffing and the unique and extensive learning environment.

- Sullivan proposal to convert to an academy with the LDBS

Sullivan's proposal to convert to an academy was a way of becoming self-governing and breaking away from the local authority, and was a response to the consultation to enable the school to continue its journey as a community school in Fulham. LDBS praised the strategies that were being used to increase the school roll. This showed the LDBS that Sullivan were on the way to being an outstanding school and with a supportive governing body, LDBS wanted to work with Sullivan and grow into a two-form entry school. Sullivan

did not need a new vision. Sullivan's vision was a vision in action - a vision that already had a record of success.

- Impact of increased nursery provision

She stated that Councillor Binmore refused to address the impact that increased nursery provision would have on the Sullivan school roll. She was of the view that there was a natural transition that occurs between nursery and reception cohort numbers. She stated that evidence showed that increasing Sullivan Nursery (one form entry) to the equivalent number of reception places (one and a half form entry) would impact on the school's roll over time (it was projected that Sullivan would be 97% full in 3 years' time). It was evident that most nursery places at Sullivan convert to reception places and when families join Sullivan they rarely leave.

She urged Cabinet to endorse the Select Committee's recommendation and support Sullivan School to stay open allowing New King's to continue on their journey and find an alternative site for the FBS.

(Copies of the deputation statements submitted are attached to the minutes)

Councillor Needham's Presentation and questions

The Leader welcomed Councillor Caroline Needham to the meeting and asked her to address Cabinet outlining the reasons why the decision was called-in, the ECCSS's concerns and the alternative proposals.

Councillor Needham stated that there was support within the community for Sullivan School to remain open until it became self-governing. She had witnessed people being locked out of public meetings, which showed the overwhelming support for the continuation of Sullivan. Equal accessibility for schools did not equate to the provision of a lift. Literature had shown that the overriding factor which made a good school was the relationship between the teacher, child and parent. It should be trusted and cannot be bought. Sands End was a community which was protective of the gem in Sullivan. The Council's culture was protective of private education by supporting New King's. The merger was a clash of cultures and the clash could result in a failed merger. New information was provided to the Select Committee and she was of the view that both teachers and parents had not been listened to by the Council. Councillor Needham expressed great respect and passion for teachers working in the state sector and acknowledged that Ms Aldridge was an outstanding Head teacher who had coped with a lot of pressure and continued to run an excellent school. She had been under stress equal to 6 months' OFSTED inspection. She urged Cabinet to support the Select Committee's recommendations.

Councillor Loveday thanked Councillor Needham for taking the time to prepare the report. He inquired about the process of preparing the document. In response, Councillor Needham noted that she worked with the other call-in signatories and teachers. It was a collaborative approach. Councillor

Loveday stated that the report addressed 3 main headings and noted that the central issue was about surplus school places. He then asked what was the total number of schools in the Borough and overall School's Budget. Councillor Needham was not aware of the total Schools Budget. He noted that cost of provision was at the core of the decision that Cabinet made. He referred to the Council's overall budget and pupils on roll figures (in the original Cabinet Report) which showed that there were 955 empty primary school places across the borough, with half of these in Fulham. This was equivalent to 4 to 5 empty primary schools each costing an average of about £1 million a year. The Council needed to address the issue of spare places and invest any saving back into education provision for children in the Borough. It was not sustainable to have the equivalent of 4 to 5 schools lying empty. In response, Councillor Needham noted that there were schools which could provide education in smaller class sizes through pupil premium. In reality, all demography was changing which could lead to the need for extra capacity in the future. Councillor Loveday noted that the council already exceeded the DfE recommended level of spare capacity in schools, which was around 5%. Therefore, the issue of spare capacity had to be addressed. If the issue was not addressed now, he asked where and how should the spare places be reduced. Councillor Needham stated that she did not believe there was a problem with surplus places. Councillor Loveday noted that the information provided to the Select Committee on population and need analysis was based on 5 year projections, whereas it was necessary for the Council to work to longer term projections. He referred to Council planning figures in the original Cabinet Report (which incorporated the GLA figures) and which were based on 10 year pupil population estimates. Councillor Needham noted that she did not disagree with these figures but with their interpretation. If children could be accommodated in smaller classes which were affordable, then she supported this approach. Sullivan was a successful school which should stay open.

Councillor Ginn asked about the staffing mix referred to in the Select Committee's report. He expressed concern that the details in New King's vision document was incorrectly compared against detailed information obtained from Sullivan. The £400,000 saving investment was not taken into consideration in the report. Councillor Needham was of the view that the Council was obsessed with savings.

The Leader recalled Councillor Needham's statement that the Council had failed to consider, discuss or take into account the proposal to make Sullivan into an LDBS academy. He asked how she believed that LDBS academy status in itself would make Sullivan more attractive to potential parents as their first choice. Councillor Needham noted that parents had chosen the school as their first choice. The school had received a Gold award which would attract more parents. With the LDBS academy status, Sullivan would be able to retain its community link, community admission policy and have protection from the local authority.

Officer Advice

Ian Heggs provided advice on the alternative proposal recommended by the Education and Children's Services Select Committee at their meeting held on 5 February 2014 under the following major headings:-

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

Standards

The Cabinet had considered all relevant factors before making its decision, which included standards. As regards standards and progress at key stages 1 and 2 at Sullivan, including the progress made by pupils eligible for the Pupil Premium, the Council fully acknowledged the school's achievements, as it did those of other schools in the borough, including New King's. However, it was the view of officers that combining the two schools would achieve greater economies of scale, standards would rise even higher and the attainment gap between pupil groups would reduce further. The proposals seek to turn two good schools into one outstanding school to deliver a better quality of education for all of the children.

Research on the impact of change

The Cabinet had considered the possible detrimental effects of the changes set out in the proposal on pupil progress and notes the points made in the research paper (Schwartz and Stiefel 2009) quoted in the alternative proposal, 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.

The research looked at the impact of individual children moving schools in a different context in America, so the conclusions could not be directly applied to this proposal. Detailed transition planning as set out by New King's representation indicated that the children from both schools would benefit from the proposals over time, specifically with regard to the broader curriculum offer and access to more specialist teaching. The Council was also planning to work 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 was mitigated.

Improvement in educational provision

The Council had taken into account all relevant considerations regarding the potential for improvement in educational provision that could be delivered through this proposal. The Council had considered carefully both the current and proposed educational offer at Sullivan, as set out in their consultation response, their representation and in this alternative proposal and compared it

with the proposal from New King's working with Thomas's London Day Schools as a partner.

One key difference between the two academy conversion proposals was that New King's had originally proposed converting to academy status as a stand-alone, one-form entry school in June 2013, but the Council asked New King's to delay consulting on its proposal until the Council had consulted on the amalgamation proposal in order to address the issue of spare places in almost every year group at both schools.

New King's agreed and its proposal is now based on the conversion of the enlarged and amalgamated two-form entry school to academy status, whereas Sullivan's proposal is not. The New King's academy conversion proposal takes advantage of significant economies of scale to deliver a better education, whereas Sullivan's proposal rejects the amalgamation, seeks to preserve the status quo and does not address the fundamental issue of spare places.

Pupil roll and the issue of spare places at Sullivan School

The Cabinet had considered properly and objectively the factors relating to surplus places stated in paragraphs 5.1-5.3 of the report. The Council fully acknowledged that other primary schools in the south of the borough, including New King's, had spare places. New King's also acknowledged this and wanted to address the issue, which is why the school supported the amalgamation.

Nursery places

The Council had taken into account the points Sullivan raised in relation to its nursery. Sullivan's proposal to become oversubscribed by increasing its nursery numbers was discussed in detail at the Select Committee meeting, including the claim that the Council had denied Sullivan School the chance to expand and develop by rejecting its application for funding of an expansion of nursery place provision. The Council's estimation of required places in coming years was recently confirmed by the Department for Education, which found that the borough now had sufficient places. The Basic Need Grant stipulated that funding could only be used to provide places for children of statutory school age. Therefore the Council had no choice but to reject Sullivan's application to expand as its plans were only for nursery places.

Health and Wellbeing

The Cabinet had 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 as referred to in paragraph 11.4 of the report, entitled 'Every Child Matters'. Officers informed Cabinet that a recent report from the Chief Medical Officer (CMO) had addressed children's health and obesity in particular. Only 15% of a child's life was actually spent in school. Furthermore it was argued that obesity was determined more by early life

experiences. The Chief Medical Officer argued that children needed to be encouraged to partake in more physical activity and that the parents' role was key in this. Schools made a contribution to this by encouraging children to join organised sport. Specialist PE teachers were identified specifically by the CMO as having a significant role to play. By merging the two schools and being able to employ more specialist teachers, with a specialist PE teacher being one option who could focus on giving children the confidence to join organised sport, the health and wellbeing of the children could be improved in that way.

Benefits of the London Diocesan Board for Schools (LDBS) Academy Trust as an Academy Sponsor

The Council considered in detail Sullivan's proposal to convert to academy status with the LDBS academy trust as a sponsor. Sullivan's consultation response and its representation setting out its proposal were appended in full to the original Cabinet report and had already been fully considered by Cabinet. The LDBS offer, as set out in Sullivan's representation, appeared 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 was 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 proposed 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.

Fulham Boys' School

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 should consider as a reason for adopting, or not adopting, the recommended proposals.

SEN and disadvantaged pupils

The Council had also fully taken into account the factors relating to diversity and SEN as set out in the Cabinet report.

Future demand for primary places

Since the consultation began, the Council had 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 had done, but in addition, the Council had also used the population projections produced by the Greater London Assembly in order to anticipate demand for school places over the next ten years. These projections were then matched against current spare capacity in primary schools, and any new or expanded provision that had come or will come on stream. This information had already been shared with all head teachers in

the borough and sets out predictions for the next ten years, not just the five years requested. This showed 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 was 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 would not be a shortage of primary school places in the borough.

In the current academic year 2013-14, there were 955 spare primary places in Hammersmith and Fulham. Of the 955 spare places, 166 were in the north of the borough, 289 in the centre and 500 in the south of the borough. It was likely that this imbalance of spare primary places, heavily weighted towards the south of the borough, would continue in future years.

Economies of scale and value for money

The points raised in the alternative proposal about economies of scale demonstrate a lack of understanding about these issues. Firstly, in relation to revenue savings it was noted that by creating a single school on a single site, it was estimated that reductions in running costs of approximately £400,000 per annum could be achieved from the combined budgets of both schools.

In relation to capital funding, the Council's view was that if Sullivan Primary School were to be retained and extended, the buildings were more likely to require replacement at an earlier date than the New King's Primary School buildings. Sullivan's replacement cost would be significantly higher than New King's.

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

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 was noted that the majority of responses received were opposed to the Council's proposals.

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

The Council welcomed the confirmation in the alternative proposal that several meetings and discussions had taken place with Sullivan and other local schools about the issue of spare places and the possibility of Sullivan joining a federation. It was clarified at last week's Select Committee meeting that at these formative stages there were no written proposals as the intention was to develop them through discussion and mutual co-operation with Sullivan and other local schools, such as New King's. However the Head Teacher and the Chair of Governors at Sullivan withdrew their co-operation from these discussions with New King's and the local authority in spring 2013.

In summary, the Council asserts that no evidence had been provided to support this point. The Council had produced a full and detailed equality impact assessment in Appendix H and asserted that no convention rights have been breached.

(A copy of the officer advice is attached to the minutes)

Councillor Binmore's Advice

Councillor Binmore, Cabinet Member for Children's Services, provided advice to Cabinet on the recommendations made by the Select Committee on their alternative proposal. She specifically addressed the five principal recommendations made by the Select Committee:

i) that Sullivan school remains open and is supported by the local authority until the school becomes self-governing.

In response, she stated that she could not recommend to Cabinet that this be adopted because maintaining the status quo at Sullivan school, whether it converts to academy status or not, does not address the fundamental issue of spare places in primary schools in Fulham.

ii) that the Local Authority continues to support New King's School on its journey to academy status.

She recommended that Cabinet does support New King's Primary School on its journey to academy status, but only as an enlarged two-form entry school once the amalgamation with Sullivan School had taken place, as this will address the issue of spare places at both schools.

iii) that the Local Authority offers its support to Fulham Boys School in finding a suitable alternative site for their school.

She asked Cabinet only to take into account relevant considerations, including the issue of spare places, the most efficient use of resources and improving the educational offer when making its decision. She implored Cabinet not take into account irrelevant considerations, such as finding a site for a free school which was a matter for the Education Funding Agency.

iv) that the Local Authority notes the significant flaws in the evidence used to make its original decision and in the decision making process as set out in the document submitted to the Select Committee.

She advised that all relevant factors were considered by Cabinet when making the original decision on 20 January, which was not flawed, and that these factors should be considered again at this meeting, along with the evidence presented in the alternative proposal recommended by the Select Committee, before any final decision was made.

v) that the Local Authority notes and takes account of the further evidence submitted in this document.

She stated that having fully considered the alternative proposals and noting that there is nothing substantially new or different in them, she recommended that Cabinet take into account the ongoing issue of spare places in primary

schools in Fulham and decide to discontinue Sullivan School and enlarge New King's School subject to the two conditions set out in the original Cabinet report.

Leader's Summary

The Leader thanked everyone for participating in the debate. He summarised the key issues and reasons for Cabinet to make a decision to enlarge New King's School and discontinue Sullivan School. He recalled that Cabinet at its meeting on 20 January 2014 considered all the written material and listened to oral submissions received on this since the Council proposals went live in July 2013. Cabinet had the benefit of a comprehensive report and gave due regard to the statutory guidance in relation to discontinuing Sullivan Primary School as well as the separate statutory guidance on enlarging New King's Primary School.

Since then the Cabinet decision was called-in and there was further debate at the Education and Children's Services Select Committee. Cabinet had considered the recommendations of the Select Committee as well as listening to further deputations. Cabinet was required to consider whether in the light of the Select Committee's recommendations it wished to either amend or affirm its decision of 20 January 2014.

Having taken into account what was said at the meeting, the written submissions to the Select Committee, the deputations and, as Councillor Binmore had noted, the fact that there was nothing substantially new and nothing compelling that would lead Cabinet to change its direction - the issue of surplus places remained, both historically and currently. Cabinet had considered all the points and had engaged with the issues. It had, however, reached a different conclusion to the Select Committee.

The Leader proposed that Cabinet affirms its previous decision, following full consideration of all relevant matters presented to it, including in particular all of the consultation responses, all of the representations received during the statutory notice period, the factors set out in the Cabinet report of 20 January and the Equalities Impact Assessment, as well as the alternative proposal recommended by the Select Committee. Therefore, Cabinet would agree to implement the proposals for the discontinuance of Sullivan Primary School and the enlargement of New King's Primary School, subject to the conditions listed below 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 of the original report); 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.

He noted that the primary reason for this decision was the historical as well as current surplus places at both New King's Primary School and Sullivan

Primary School. Cabinet was also of the view that the decision to close Sullivan Primary School would ensure the Council does not continue to fund two sites with ongoing surplus places and the associated costs attached to those two sites. There was economic sense to having a single school on a single site and ensuring that the savings that will be made can be reinvested directly into children's education in the borough.

Cabinet was also of the view that the final move to the New King's site would ensure an improved educational offer, particularly in the light of its collaboration plans with Thomas' Schools. Therefore, Cabinet should authorise 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.

Before the vote was taken, the Leader asked Cabinet whether they were all in agreement to affirm the original decision taken on 20th January 2014. Cabinet unanimously agreed to proceed and voted accordingly.

RESOLVED:

- 1.1. That the decision taken at the Cabinet meeting held on 20th January 2014, as set out below, be affirmed as the final decision.
 - A. *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.*
 - B. *These are related proposals so that either both or neither must be approved.*
- 1.2. That the decision will not be the subject of further call-in and officers would immediately implement the decision, be noted.

Reason for decision:

The primary reason for this decision is historical as well as current surplus places at both New King's Primary School and Sullivan Primary School.

Cabinet is also of the view that the decision to close Sullivan Primary School will ensure the Council does not continue to fund two sites with ongoing surplus places and the associated costs attached to those two sites. There is economic sense to having a single school on a single site and ensuring that the savings that will be made can be reinvested directly into children's education in the borough.

Cabinet is of the further view that the final move to the New King's site will ensure an improved educational offer, particularly in the light of its collaboration plans with Thomas' Schools.

Alternative options considered and rejected:

As outlined in the original Cabinet report of 20th January 2014.

Record of any conflict of interest:

None.

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

None.

Meeting started: 6.00 pm
Meeting ended: 8.18 pm

Chairman