

Title of Report	Education Sufficiency and Estate Strategy - falling rolls	
Key Decision No	CE S247	
For Consideration By	Cabinet	
Meeting Date	11 December 2023	
Cabinet Member	Councillor Anntoinette Bramble, Statutory Deputy Mayor, Cabinet Member for Education, Young People and Children's Social Care	
Classification	Open	
Ward(s) Affected	All	
Key Decision & Reason	Yes	Significant effects on communities living or working in an area comprising two or more wards
Implementation Date if Not Called In	19 December 2023	
Group Director	Paul Senior, Director of Education	

1. Cabinet Member's introduction

- 1.1. As Deputy Mayor and as an administration, we are pleased with the improvement of Hackney's education. Over 20 years ago the borough's schools were some of the worst performing in the country. Now they are consistently among the very best; not just in terms of school performance, but also in the outcomes for our children and young people, as this year's pupil exam results has once again demonstrated, alongside the extra curricular activities schools provide. This transformation of education in Hackney is one of the greatest success stories in the country. We are proud of our children and young people who are among the top performing in the country for Reading, Writing and Maths at Key Stage 1 and upper performing quartiles across all age categories. Their results are particularly impressive considering they were achieved after the difficulties of the pandemic and against a backdrop of 42% of local school children across all age groups accessing free school meals. This is a credit to our children, families, settings and schools, and community groups and we will continue to work in partnership with all our schools and settings.
- 1.2. As has been widely reported, in recent years many inner and greater London local authority (LA) areas, including Hackney, have been experiencing a significant decrease in pupil numbers. This has caused some schools to face

serious financial and sustainability pressures. The critical London-wide factors are: lower birth rates, the cap on housing benefits, and families leaving the capital as a result of the housing crisis, Brexit the Covid-19 pandemic and competition from Free Schools. While the Council remains committed to providing more affordable family housing across the borough, having delivered more than 1,000 new homes since 2011 and committed to starting 1,000 more by 2026, the housing crisis has also contributed to a reduction in demand for primary school places in the borough.

- 1.3. School leaders and the Council in recent years have been doing everything possible to manage the risk of falling rolls. Hackney officers have been working with schools locally to progress a number of approaches, with a focus on preventing the escalation of risk to those in scope for potential closure and/or merger. In using the word merger here we refer to offer places for children who will need to change schools by the proposed closure of one school such that pupils would have the possibility of remaining together, should that option be the parent's preference. The approaches we have had to use so far include measures such as restructuring school staffing levels, reducing the amount of available support staff, limiting extra curricular activity such as school trips, 'vertical grouping' by combining different year groups in some schools, formally reducing and capping reception places, and for some schools, the need to agree deficit recovery plans with Hackney Education. I would like to take this opportunity to thank everyone in Hackney education and family of schools for their often challenging work, as we have worked through these existing decisions and started to explore the even more difficult decisions outlined in this paper. I would like to extend a particular thanks to the schools in scope for their work, dedication and supporting their school communities through this process.
- 1.4. Most, if not all, of these 'graduated approaches' have been deployed by local schools to address the issue of falling rolls. However, this has not sufficiently solved the problem and the level of risk for some schools in terms of sustainability and enabling the schools to continue to provide their children with the very best possible teaching and learning experience on a daily basis that all schools would wish to provide. This high quality educational environment is what the people of Hackney expect and individual school communities deeply value and love, and which my colleagues and I see whenever we visit schools.
- 1.5. As previously referenced, we have been lobbying the national Government to look at how funding is allocated, as part of our wider commitments to working towards a stronger and fairer school system more generally. We have also repeatedly asked the Government for greater powers to manage places in free schools and academies, which are independent of the Council, in order to pool place-planning resources. I previously wrote to the Secretary of State for Education (Appendix A) to formally express our concerns with regards to the issue of falling rolls for the Borough and other LA areas, expressing concern that government policy in areas such as free schools has compounded the problem, by bringing more school places into the

borough in areas where there may already have been surplus places. This puts at risk locally maintained schools due to unnecessary competition at a time of pressure on schools for the aforementioned reasons.

- 1.6. We know schools are more than just places for children to receive education, and that they play an important part in their local community. This is why having to now consider potentially closing or merging schools is very difficult, and not something we would propose if we felt that there was a realistic option available for keeping all schools open. We do not underestimate the impact that such changes would have on the community, parents, carers, staff and pupils, if approved. However, the impact of falling rolls is being felt widely across many schools, and Council officers believe that over time it is becoming increasingly more difficult for them to continue doing all the fantastic things that families, children, staff and the community love them for.
- 1.7. I know some concerns have also been raised that, if the proposals are approved, the Council might sell off vacant school sites for private housing development, but please be assured that this is not our plan. The Council's political leadership and I continue to express this. We know how important that is, given the unique location of our schools, their wider role and close ties to our wider local communities. Throughout our time leading the Council and through now many years of austerity, while others across the country may have sold assets, we have taken other routes, stopping to think about what Hackney needed at the time and what it might need in the future - and this approach will guide our thinking when it comes to education land and the future needs of the borough for schools and specialist provision if a decision is made.
- 1.8. This means, if the proposals are approved, we would look to work through the potential for each site in its local context and we would seek to do our best to steer these sites into locally relevant and valuable uses mindful of the extreme financial pressure the Council is under and the need to minimise the impact on our finances. We also know from our visits to these schools, and our knowledge of Dalston, De Beauvoir, Haggerston and Hackney Downs, the depth of feeling in these places about their respective schools, how they sit in that wider community context and the need to work with communities to defend what makes these communities and places special, including Ridley Road. That's why the Council has invested so much in protecting and enhancing Dalston and has plans in De Beauvoir, Haggerston and Hackney Downs to build more Council housing and invest in community infrastructure.
- 1.9. Without knowing the outcome for each site, the Council's ability to define alternative uses for potentially vacant sites is necessarily limited at this stage. Officers have begun to contemplate possibilities in principle. The priority will always be to protect the future of the sites as far as is economically possible, identifying "reversible" options if at all possible with, as noted above, a natural preference for uses relevant to, and of value to the local community.

- 1.10. We know that during this process there will be concerns raised about the potential risk to our children with protected characteristics, such as those with special educational needs and/or disabilities (SEND). As referenced in a range of recent communications to the local schools that may be in scope for evaluation as part of the work of the school estates strategy, we will work with them and provide targeted support where appropriate. The associated equality impact assessment (Appendix B) provides further commentary on this. Mayor Woodley, who prior to her election as Mayor was Cabinet Member for SEND and has maintained this portfolio, has worked closely with myself and officers throughout this programme to support schools and parents/carers of children with SEND. We will continue to be advocates for children with SEND, and to ensure these children are supported, along with their families. That work sits within the wider context of delivering at least 300 new SEND places in the borough in new settings and existing schools.
- 1.11. We know that if the proposals are approved, the processes of closure or amalgamation will also be challenging for the whole school community including Governing Bodies, school leadership teams, teachers, support staff and others who work in our schools. We are committed to having a proactive approach with all those involved, including the trade unions, to ensure that staff are involved in these discussions and supported if or when changes are made to retain, upskill or find new employment. We also recognise that where we might merge schools, we will have to work with those schools to ensure they have the right facilities and investment on the site at the school that remains open to meet the aspirations of the respective schools and communities. During the engagement with the school communities, we also met with local members of parliament, ward councillors, and invited all elected members to briefing sessions to discuss the consequences of falling rolls and the impact on schools.
- 1.12. No one goes into public life, or a leadership position, to close or merge schools, but it is our responsibility as a local authority to create life-improving opportunities for all, alongside support for those in the borough who need it most - and this starts with access to first-class education. We must continue to ensure that every single child has access to an excellent education that allows them to fulfil their potential and achieve their ambitions. This is why we must now consider the difficult options outlined in this report.
- 1.13. Finally, I would like to thank everyone who has engaged with this process, attended meetings to ask questions, submitted responses to the consultation, and advocated on behalf of their schools, their children and their wider communities. We know this has been a difficult and at times emotional process and are committed to continuing to engage with all communities and stakeholders to deliver on our ambitious vision for Hackney's schools.

2. Group Director's introduction

- 2.1. This report addresses the second priority of the Education Sufficiency and Estate Strategy (Appendix Y), adopted by Hackney Council in February

2022, to seek viable sustainable solutions and work with existing primary schools with falling rolls. This report follows previous reports to Cabinet in making recommendations that are grounded in the need for action due to local pupil numbers falling and the surplus places across primary schools increasing. As previously advised, the information we have and have also made available suggests there will continue to be falling rolls into the future, not just locally, but across London and most big city areas nationally. Falling rolls lead to a reduction in funding to deliver education across the borough, as the number of pupils on roll directly affects the amount of money received from central government. Surplus places impact disproportionately on schools across the borough; schools with unfilled places receive less income, while attempting to maintain the same physical space, staffing and education offer.

- 2.2. In January 2015, there were fewer than 1% unfilled reception places in Hackney. The January 2023 school census shows 616 surplus reception places (21%), the equivalent of over 20 empty reception classes. On the information we have, and without taking action, surplus reception places are forecast to rise above 23% by 2025. This would bring sustained and increasing financial strain on affected schools.
- 2.3. The Council has a statutory duty to ensure there are sufficient high quality school places for our children, and that places are planned effectively. In 2022/23 alone, Hackney primary schools are seeing £30m less funding compared to what they would be entitled to if their classrooms were full. This financial pressure, year on year, has a cumulative impact on our schools, and threatens the stability and quality of our education system.

3. Recommendations

Cabinet agree to:

- 3.1. **close (discontinue) De Beauvoir Primary School from September 2024.**
- 3.2. **close (discontinue) Randal Cremer Primary School from September 2024.**
- 3.3. **close (discontinue) Colvestone Primary School from September 2024, guaranteeing all children a place at Princess May Primary School if they want it.**
- 3.4. **close (discontinue) Baden Powell Primary School from September 2024, guaranteeing all children a place at Nightingale Primary School if they want it.**
- 3.5. **increase the published admission number of Nightingale Primary School by adding an additional form of entry to all**

year groups. This proposal is related to the recommendation at 3.4.

4. Reasons for decision

Background

- 4.1. Following seven years of unprecedented growth, the number of primary aged children joining reception classes in Hackney primary schools peaked in 2014/15 and has been in steady decline since, a trend observed across London and most prevalent in inner-London boroughs. Applying the information available to us, pupil numbers joining reception classes are not forecast to rise significantly in the medium to long-term, for the time we have forecasts for (up to 2031/2032 see Appendix C). School funding is primarily determined by the number of children on roll, and falling rolls equate to reduced funding to deliver education across the borough.
- 4.2. The School Organisation Plan (SOP) and Education Sufficiency and Estates Strategy (ESES) form the policy basis for the proposals which relate to priority 2 of the ESES: to address falling primary school rolls, by working with schools with budget pressures and falling pupil rolls to seek viable long-term solutions. (see section 10 for further detail)
- 4.3. If the proposals in this report are taken forward, the Council will consider whether any vacated site could reasonably be utilised in addressing priority 1, the significant increase in demand for SEND education provision.
- 4.4. At the time of writing schools in Hackney are 98% good or outstanding and the proposals in this paper are no reflection of the quality of the leadership or teaching, only the falling rolls issue which is faced across London. The schools in these proposals have gone above and beyond to ensure that the falling rolls have impacted as little as possible. However it is not sustainable to continue running half empty schools. The council acknowledges the outstanding support these schools have provided to children with SEND, across Hackney.
- 4.5. The Council acknowledges the outstanding support offered to Colvestone Primary School by the Blossom Federation, who have expertly stabilised the school's financial position, having inherited an historical deficit from the previous leadership of the school. This temporary soft partnership (recently extended until July 2024) allows Colvestone to receive leadership and business support to improve standards and children's outcomes, all of which has been achieved with the support of The Blossom Federation, who led the school to being assessed as 'Good' by OFSTED in October 2023.
- 4.6. The Council has a statutory duty to ensure there are a sufficient number of school places for pupils and that places are planned effectively. The Council monitors surplus reception places, a key measure of demand, and aims to maintain a 5-10% surplus across all Hackney primary schools.

- 4.7. Despite removing 375 reception places through formal reductions in published admission numbers (PANs) (as distinct from unofficially 'capping' admission numbers) across Hackney schools between 2019 and 2023, the projections still indicate a steady increase in surplus reception places from 19% in 2023/24 up to 23% in 2025/26. This surplus is then projected to slowly decrease and stagnate at 20% until the end of the projection period in 2031/32. Analysis of past, current and projected demand and summary of reception places removed to date is provided in Appendix C. There will still be unutilised capacity in schools and over 200 additional places that could be reinstated should they be required in future years (table 7, appendix C).
- 4.8. Financial reserves are reducing at an alarming and unsustainable rate across Hackney's maintained primary schools, or the federations they form part of, and are projected to fall by £6.48m or 70% in the two years to March 2024. The combined surplus totalled £9.08m in 2021/22, fell significantly to £5.8m in 2022/23, and is forecast to drop further to £2.6m at the close of 2023/24 financial year.
- 4.9. Over two thirds of Hackney's maintained schools, or the federations they form part of, are predicting they will over-spend during the 2023/24 financial year.
- 4.10. For schools to remain financially viable, school governors and leaders are forced to make difficult decisions about whether to reduce the number of teachers or teaching assistants and support staff. School leaders tend to delay investment or maintenance of school buildings and equipment or find other savings, all of which impacts negatively on the quality of education and school experience for Hackney children and staff.
- 4.11. The recently undertaken Strategic Housing Market Assessment 2023 indicates that household growth in Hackney between 2022 and 2039 will be predominantly single people (+45.1%) and cohabiting, i.e. shared living, households (+44.2%). In comparison, there is little change in the projection for families with children over the same period. With the exception of Stamford Hill, the majority of Borough-wide housing need is for smaller homes. This is important in considering the likely effect of such housing on pupil numbers.
- 4.12. While there are variances across the different housing tenures, across the Council's programme as a whole, just over 70% of the homes delivered have been 1 and 2 bed homes; with just under 30% comprising a mix of 3 and 4 bed family sized homes. This is broadly consistent with policy LP14 as outlined in LP33, which, depending on the tenure of housing, requires all new developments to comprise a mix of family sized homes, ranging from 15 to 36%. Despite Hackney building new homes the numbers will be insufficient to have any significant impact on the proposals in this report for schools in scope for closure and/or merger.

- 4.13. Hackney Education's senior leadership team took the decision to propose closure and amalgamation/merger of the student body of six schools in September 2022 following analysis of a range of objective measures evidencing the impact of falling rolls on school's viability. Following early engagement with head teachers and chairs of governors from January 2023 the proposals were publicly launched on 28 March 2023 and school community engagement activity was undertaken with staff and parents in April 2023. Community queries and feedback from March to May period can be seen in Appendix D by theme (as it was detailed in May 2023 Cabinet report - Appendix E).
- 4.14. Throughout the process, officers followed the process set out in the Department for Education (DfE) publication, Opening and closing maintained schools Statutory guidance for proposers and decision makers, January 2023, (the Guidance). The Council must have regard to this Guidance which sets out the considerations that should be made by the decision maker when deciding proposals to discontinue (close) a school. It requires that those making the decisions on the proposals should be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily and should have due regard to all responses received during the representation period. Cabinet members should review all responses before the meeting. These are substantial.

Cabinet decisions in May 2023 and September 2023

- 4.15. On 22 May 2023 Cabinet decided to proceed to consultation on all five proposals (The May cabinet paper is included as Appendix E). As part of this decision, the Cabinet considered comment and feedback received during a period of early engagement and this is provided with this report in Appendix D for the consideration of decision makers. Following the May Cabinet decision a consultation ran for 6 weeks, from 5 June to 16 July 2023, gathering feedback on the proposals from parents and staff of the schools in scope and other stakeholders that may be impacted by the decisions. The key themes raised in the early engagement period were raised again during the consultation and are addressed in the response and commentary in the September 2023 report.
- 4.16. On September 25 2023 cabinet members considered the consultation feedback and agreed to publish statutory notices for the proposals. The September cabinet report (Appendix F) included a paper detailing the analysis of comments and objections received during the consultation. Comprehensive summaries of this information have also been provided for this and the previous engagement.
- 4.17. The local authority's detailed responses to the previous stages of engagement and consultation feedback are provided as above. Details can be seen in the September 2023 Cabinet paper (Appendix F), which summarised the Kwest report from the consultation phase (Appendix G) and reviewed by cabinet in September.

Statutory notice summary

- 4.18. Following the Cabinet decision on 25 September 2023, statutory notices in respect of the five proposals as outlined in section 3 above were issued for a period of 28 days. The evidence for and rationale for the decision to move to statutory notice is set out in the September cabinet report (Appendix F).
- 4.19. The statutory representation period ran from 6 October to 3 November 2023. Statutory notices which were posted for 28 days for objection or comment:
- Proposal to discontinue Randal Cremer Primary School under s15 of the Education and Inspections Act 2006 (Appendix H)
 - Proposal to discontinue De Beauvoir Primary School under s15 of the Education and Inspections Act 2006 (Appendix I)
 - Proposal to discontinue Baden Powell Primary School and amalgamate the student body with Nightingale Primary School (Appendix J)
 - Proposal to discontinue Colvestone Primary School and amalgamate the student body with Princess May Primary School (Appendix K)
 - Proposal to increase Nightingale Primary School from 1 form of entry (1FE) to 2 forms of entry (2FE) (Appendix L)
- 4.20. The Guidance states that “The proposer must publish the full proposal on a website along with a statement setting out: • how copies of the proposal may be obtained; • that anybody can object to, or comment on, the proposal; • the date that the representation period ends (4 weeks from publication); and • the address to which objections or comments should be submitted. A brief notice containing the website address of the full proposal must be published in a local newspaper.
- 4.21. In accordance with these requirements, notices (Appendix H to L) were published in a local paper, Hackney Citizen newspaper on 6 October 2023. The Statutory notices were also published on Citizen Space (the Council’s engagement platform) in English, Bengali, Turkish, Portuguese, Slovak and Spanish, and on Hackney Education’s website. The notices were posted publicly outside the school premises and all parents/carers, staff and school governors received copies of the notice pertaining to their school with signposting to the council’s website for further information.
- 4.22. Other stakeholders, internal and external audiences, local residents and partner organisations were informed about the statutory notices and invited to comment. Copies of all statutory notices were also sent to neighbouring Local Authorities, Hackney MPs and Councillors and Trade Unions representing school staff in accordance with statutory guidance. Copies were sent to all those required under the Guidance.
- 4.23. The Council utilised a variety of methods to publicise the notices such as website updates, newsletters, social media posts, a press release, an article in Love Hackney (distributed to 120,000 homes and businesses in Hackney),

email and digital screens across council sites. Publicity exceeded that required by the Guidance, because of the significance of the proposals to residents and the desire to engage as many residents as possible.

Responses to the statutory notices

- 4.24. There were 164 responses during the representation period received via Citizen Space (Hackney’s online platform), 10 emails and 1 letter. The responses included one from Save Colvestone, consisting of 284 pages. Five responses were received past the deadline of 5pm on 3 November 2023. These late submissions have not been included for analysis.
- 4.25. The representation period provided a further opportunity for stakeholders to comment on the proposals, the first being pre-engagement events in March through to April 2023, followed by the consultation period which ran from 5 June to 16 July 2023.

Analysis of statutory notice submissions

- 4.26. The representation period response has been analysed and reviewed by an independent third party, Kwest (Appendix M). Of the 175 responses received (164 citizen space, 10 emails and 1 letter), each respondent could comment on one, several or all of the statutory proposals and therefore the number of responses per proposal is greater than 175. Kwest have analysed 172 of the responses together, excluding 3 emails submitted with large PDF attachments, which have been analysed separately in their report. These large PDF submissions are included, in full, in appendix 3 of the Kwest report (Appendix M).
- 4.27. Across all 5 proposals, there were 219 responses that were clearly supportive or not supportive. Of these, 207 responses (95%) did not support the proposals and 12 responses (5%) were supportive. With the exception of the proposal to close Colvestone and amalgamate the student body with Princess May Primary School, only a small number of comments were received in response to each of the other statutory proposals.
- 4.28. Over 60% of all responses that appeared relevant related to the proposal to close Colvestone and amalgamate the student body with Princess May Primary School (143 responses). The number of responses to the other four proposals ranged from 20 to 30. Many of these responses were short words or sentences comprising a broad statement of the respondents’ views. For the proposals on the closure of De Beauvoir and expansion of Nightingale, these short comments made up half of the feedback that appeared relevant.

Proposal	Number of responses	Appeared relevant**	Number in favour	Number against
Closure of De Beauvoir	24	22	2	17
Closure of Randal Cremer	26	24	1	20

Proposal	Number of responses	Appeared relevant**	Number in favour	Number against
Amalgamation of Colvestone & Princess May	146	143	2	138
Amalgamation of Baden Powell & Nightingale	30	28	3	24
Expansion of Nightingale	20	15	4	8

*** 7 responses included no comments about any of the proposals.*

General themes arising from comments and objections received during the representation period

4.29. **Note for decision makers:** Responses to the proposals, made during the initial engagement, the consultation and representation period are appended to this report (appendix D , G , M). Cabinet members are asked to ensure that they have reviewed all these documents before the meeting. A hard copy of the comments and objections made during the statutory representation period will be available at the meeting. Decision makers are also asked to note that while the Kwest report refers to closure for two schools and amalgamation for the other two pairs of schools, this is a difference in nomenclature only.

4.30. **Theme: Respondents do not want their school to close/merge**
eg. brief responses, containing only a small number of words or a short statement, for example, “disagree” or “please don’t close this school”.

Response: The Council understands children, parents, staff and the wider community do not want to see their local schools close for all the reasons outlined in the feedback received, however the overriding need to reduce the number of primary schools in Hackney is clear.

In recent years school leaders and the Council have worked to progress a number of approaches, with a focus on preventing the escalation of risk to those in scope for potential closure or amalgamation. The actions taken include restructuring school staffing levels, reducing the amount of available support staff, limiting extra curricular activity such as school trips, ‘vertical grouping’ by combining different year groups in some schools, formally reducing and capping reception places. Unfortunately, because the fall in pupil numbers is significant and sustained, these actions have not sufficiently addressed the challenge of falling rolls and the level of risk for some schools in terms of sustainability remains unacceptably high.

The Council wants every single child to have access to an excellent education that allows them to fulfil their potential and achieve their ambitions. This is why the very difficult options of closures or mergers outlined in this report must now be considered.

4.31. **Theme: Existing school provides good support for children with SEND**
 Eg. “We have a high number of SEND children on roll and I know we provide an outstanding provision for them. I worry for their future as many schools do not show the inclusion and love and we do, families are heavily supported by us.”

Response: The Council acknowledges the excellent support provided by Hackney schools for children with SEND and acknowledges in particular that provided in those schools proposed to close.

Unfortunately the support provided will become increasingly difficult to sustain for schools with falling rolls. The financial impact of low pupil numbers is cumulative and means that, in the coming years, these schools are unlikely to be unable to continue to provide the same level of support without exhausting contingency funds or going into deficit.

The number and percentage of children (Reception to Yr 6) with Education, Health and Care Plans and requiring SEND support in schools impacted by the proposals is outlined below (May 2023 data).

School	Number of pupils with EHCPs	% of pupils with EHCPs	Number of pupils requiring SEND support	% of pupils with SEND Support
Baden Powell	8	4.8%	22	13.1%
Colvestone	10	7.7%	21	16.2%
De Beauvoir	10	9.1%	28	25.5%
Nightingale	24	11.9%	30	14.9%
Princess May	10	5.1%	17	8.7%
Randal Cremer	17	7.0%	42	17.4%
Hackney*	843	4.6%	2,656	15.2%
England*	116,661	2.5%	608,827	13.5%

* Hackney and England data, DfE SEND National Statistics, June 2023

Representations made to the Council state that Colvestone School has a higher proportion of children with SEND (17%) than the national average (13%), and that the numbers are such that 25% of children in that school have SEND. Cabinet will wish to be aware of this when taking into account the extent of impact of the proposals and its duty under s149 of the Equality Act 2010. (See legal comments, section 13)

4.32. **Theme: Larger schools have more problems / less support. Small class sizes / schools are better for children.** eg. “Small class sizes are good for children.”

The National Education Union submitted a response at the request of parents and NEU members of Colvestone expressing the belief that “there are significant benefits in retaining small one form entry primary schools wherever possible. Whilst we understand the financial difficulties presented by years of government underfunding we believe that smaller schools and smaller class sizes are a desirable aim for our students.” As well as improved academic progress they argue that smaller schools and smaller class sizes have benefits including more tailored learning, more social confidence and inclusion, staff know their children better and that parents have a better relationship with schools.

Response: Small and large schools each have strengths and challenges relating to their size. A school’s ethos and leadership are considered more significant factors than school size in determining successful outcomes. The council does not accept that larger schools generally have more problems and less support.

While a review of evidence suggests there may be small benefits for student attainment in significantly smaller class sizes, unfortunately the Council cannot retain schools where small classes are bringing significant financial burden and threatening financial viability. Smaller schools e.g. one form entry schools, that are not full in all year groups are disproportionately affected by falling rolls, making them more financially vulnerable.

Some schools have had their pupil numbers (PAN) reduced but still have larger buildings and sites to maintain. These schools will have higher premises costs while having a significantly smaller budget. Underinvestment will create longer term issues and increased need for future funding to deal with a lack of maintenance.

4.33. **Theme: The School has a good reputation and excellent staff.**

eg. “These schools, and the staff who work in them, have been pillars of education in our community for decades. Their closure would be a devastating loss for current and future generations. This is an opportunity to reduce class sizes and improve education in the borough, not make it worse.”

Response: The Council acknowledges the incredible support staff provide for children and families, despite many facing personal stress and uncertainty as a result of these proposals.

All six schools included in the current proposals are rated ‘Good’. This is recognised by the Council.

While schools’ performance and reputation is an important factor that influences parents’ decision on where to send their children, and can help protect those with the best results, this isn’t the case for Hackney, where over 98% of the primary schools are rated ‘Good’ or ‘Outstanding’ by Ofsted.

4.34. **Theme: Move will negatively affect children**

eg. “Many pupils will be separated from their friends at a key time in their lives, with SEND pupils who have built relationships with staff particularly affected.”

Response: The council understands that changing schools or the arrival of pupils from a closing school is likely to be a challenging transition for the majority of children. We acknowledge these concerns and are seeking to minimise disruption as much as possible. We acknowledge that change, such as of staff, can be particularly difficult for pupils with SEND.

The decision to close or merge schools is not made lightly. Schools with low numbers become less financially viable over time, using surplus funds or going into deficit to ensure the quality of education is maintained. The Council is liable for any maintained school deficits, and must decide annually whether to continue to fund a school in deficit. If the Council allows schools with falling rolls to come under increasing financial pressure and go into deficit by allowing them to stay open when they are not financially viable, they are directly and knowingly taking on increased financial burden and responsibility, which can further negatively impact the quality of the education in the borough. School deficits are borne by the Council in the event of closure.

While the council recognises that children will be affected, primary schools are highly experienced in supporting children who transition to secondary schools, as well as those who are transferring from one school to another during the school year.

Since the beginning of the year, the Council has been working closely with the six schools, and will continue to do so, offering them the information and assistance needed to help families and children during the process. If the Cabinet decides to proceed with the proposals, the Council will work together with schools and families to make sure that transition plans are in place to minimise the impact on the children’s wellbeing.

Specialist SEND professionals including Educational Psychology and Speech and Language therapists will continue to work with settings and pupils to ensure that children with SEND receive robust and appropriate transitional support.

The Council is also ready to help schools assist parents and carers when making a decision on moving their children to a different school.

4.35. **Theme: Impact on staff & potential loss of jobs**

eg. “These are not amalgamations, they are closures. Staff in these schools have worked throughout Covid, and are some of the most under-paid and overworked in the whole borough. They are being rewarded with forced redundancies and financial insecurity.

Response: The council acknowledges the serious impact these proposals have on staff wellbeing prior to any final decision and the direct impact on the lives and livelihood of staff should the decision to close or merge schools go ahead. In view of this staff have access to an employee assistance programme, where they can access confidential advice and counselling.

The number of teachers and support staff that would be affected if the proposals are taken forward are summarised in the table below (data as at 31/08/2024).

School	Teachers	Support staff	Total
Baden Powell	13	22	35
Colvestone	10	8	18
De Beauvoir	9	11	20
Randal Cremer	23	33	54
Total	53	74	127

In the event of closures, the Council will do everything it can to help staff find alternative roles in schools across Hackney. However, as a last resort, some staff will be offered redundancy and/or retirements.

In the event of a merger, we will work with the leadership teams of the affected schools to assess the full impact on staff. Governors and school leaders in receiving schools will lead the significant changes brought by these proposals.

Staff and all other relevant parties including trade unions would be consulted about any potential changes.

Those affected will be supported through practical outplacement support such as application and CV writing, interview skills and potential job opportunities in other Hackney Schools. A particular emphasis will be given to supporting support staff, many of whom are Hackney residents.

4.36. **Theme: Demographics of population can change / concerns about what will happen should there be a future shortage of places**

Eg. Any decision to close a locally maintained school is likely to be irreversible, as the 2011 Education Act requires future demand to be met by the academy or free school sector.

Response: The Council aims to hold between 5% and 10% surplus reception places to allow for unforecast growth in pupil numbers in the future. If the demand for places increases significantly in future there are currently between 240 and 330 unused places in Hackney primary schools

that could be brought back into use, without capital investment, by increasing these school's PANs. (Appendix C, table 7)

4.37. **Theme: Capacity to accommodate potentially displaced pupils in other local schools**

Eg. "I still remain concerned about the 'promise' that children will be placed in a primary school near their home. Many parents are already unable to find places in the school they want and are on waiting lists. There are also a number of schools locally where PANs have been reduced so year groups are over roll with additional waiting lists."

Response: Analysis of vacancies at the nearest schools to those proposed to close shows there is capacity to accommodate all displaced pupils within Hackney settings.

The reported number of pupils (at November 2023) in schools proposed to close is shown below by year group.

School	R	1	2	3	4	5	6	Total
Baden Powell	19	19	18	27	22	26	27	158
Colvestone	12	16	25	26	12	13	16	120
De Beauvoir	6	4	7	3	5	6	17	48
Randal Cremer	10	12	19	11	19	14	34	119
Grand Total	47	51	69	67	58	59	94	445

Analysis of vacancies at nearby schools (Appendix N - Nearby schools and vacancies - SES - November 2023) demonstrates that there are sufficient places to accommodate all potentially displaced children.

Mapping of potentially displaced children (Appendix O to T) demonstrates they reside across a wide area within and outside Hackney and that families are very likely to have several options of alternative schools within statutory walking distance of their homes (ie. for children aged over 5 but under the age of 8 this is 2 miles from their home and for children aged over the age of 8 this is 3 miles from their home).

It should be noted that the analysis provided is based on official school published admission numbers (PAN), which also form the basis of local school place planning. Schools that may be capping their intake in response to falling rolls would be expected to accommodate children impacted by any future decision to close up to their PAN, exceeding any capping that may be in place.

If the decision is taken to proceed as proposed, parents will be supported in the Spring term to help them understand their options and find out their preferences for alternative schools for their children.

There will be one-to-one support for families to ensure their children have places at suitable schools, including increased priority for places at nearby schools.

4.38. **Theme: Use existing schools to address borough-wide shortage of SEND places**

Eg. "Hackney council spends vast amounts of money sending SEND pupils to be educated outside the borough, due to a lack of SEND resource bases. These schools should remain open and form part of a wider investment in SEND pupils, by turning them into specialist resources bases, and educating children within their borough."

Response: Strategic priority 1 of the the Education Sufficiency and Estate Strategy (Appendix Y) seeks to create sufficient in borough special school places through creation of Additional Resource Provision (ARP) in mainstream schools, extending existing special schools by size and or designation, opening a new special school or the re-organisation of mainstream primary places, where feasible, due to falling rolls.

Expressions of interest were sought in 2021 from existing Hackney schools with capacity to open ARPs and a programme of work has since been initiated that, upon completion, will increase provision by 300 places.

School sites made vacant following any future decision to close them will be reviewed to assess, amongst other options, the feasibility of being repurposed as SEND provision.

4.39. **Theme: Future use of school buildings/site**

Eg. "The decision to close a school without any plan for the future of the site is bizarre."

Response: We know that our communities have tight connections to their local schools, and we will seek to preserve the buildings that have a rich history and heritage where possible.

The Council has been reviewing options for alternative uses. This is very challenging work in the current economic climate, because it is very difficult to find financially sustainable uses. This means we need to work through the potential for each site in their local context and we will do our best to steer these sites into locally relevant and valuable uses mindful of the extreme financial pressure the Council is under and the need to minimise the impact on our finances.

We will take into account the views of the community, the needs of the local neighbourhood, and the need for financial sustainability.

4.40. **Theme: School is at the heart of local community**

Eg. "Colvestone primary school is the beating heart of the area – it has engendered a unique sense of community among the local families and serves as an important counterpoint/softening influence to Ridley Road market."

Response: We know schools have very close, sometimes multigenerational, ties to their local area and communities which is why proposing closing and amalgamating schools is one of the most difficult and challenging decisions the Council can make, and not one we would ever choose to do unless we had no other choice. But the quality of education for our children, and stability for our school staff, must remain a priority, requiring that options for closure and/or merger must be considered.

4.41. **Theme: Concern about the confusion for parents and staff regarding the terminology used to describe the proposals**

Eg. “The respondent was critical of the proposal objecting to the use of the word “amalgamate” because they believe this is confusing as children and parents think everyone, including the staff, will be going to Nightingale.”

Response: The council acknowledges the potential for the terminology associated with school organisation changes to cause confusion amongst parents and staff. The council responded by making the impact of the proposals clear in the September Cabinet report and statutory notices, adopting plain language eg. “close Baden Powell Primary School from September 2024, guarantee all children a place at Nightingale Primary School if they want it.”

In addition the September Cabinet (Appendix F) report set out clearly the meaning and impact of “merge” and “amalgamate” specifically for staff ie. “This process would mean that the staff who are currently working at the closing school would be at risk of being made redundant, as merging/amalgamating the children may not result in new jobs being created in the host school. Firstly as stated earlier the parents may not choose to move their children to the host school therefore opportunities for additional roles in the host school will only be known following completion of the schools admissions process. However, as part of the drive to avoid redundancies as much as possible, we are seeking to obtain agreement from the host school and the Hackney family of schools to support job opportunities for those staff at risk of redundancy.” (quoted from September Cabinet report, 6.9, pg 21)

Arguments raised against the proposal to close (discontinue) Colvestone Primary School

- 4.42. **Note for decision makers:** In addition to comments made by individuals, the Council received a document entitled “Save Colvestone Final Consultation Response” which can be seen in full in appendix 3 of the Kwest statutory consultation report (Appendix M), written by parents and carers (referred to in the section below as “the save Colvestone submission”). Cabinet members are asked to review the document before the meeting. Hard copies will be available at the meeting. The document, in its introduction, chapters and conclusion, makes many arguments against the proposal to close Colvestone Primary School. These include, but are not

limited to, the following which Cabinet members should take into account when determining the proposal:

4.43. **Comment:** The save Colvestone submission includes an “up-to-date analysis of place data that significantly challenges the underlying rationale of the proposals” and sets out the case that the proposals will not achieve the aim of reducing the number of surplus reception places. The key points from this analysis are:

- The May Cabinet report sets out that the proposals to close two schools and amalgamate four others into two will lead to a total reduction of 135 reception places. However, the save Colvestone submission observes that the Council has no control over free schools, academies and faith schools nor can it control the choices that parents might decide to make about their children’s education. Therefore, although the Council is trying to reduce vacancies across the borough, “it does not have the power to control most of the players within the system”.
- The save Colvestone submission observes that many schools have requested a temporary reduction in their PAN number. The latest school vacancy data, provided by Hackney Education on 19th September, shows 391 surplus places in reception classes (14.5% vacancy rate) and across all year groups the overall vacancy rate is 12.7%. The vacancy rates are higher in faith schools (30% for reception classes) and it is argued that the Council target of 5-10% will not be achieved without addressing this. Excluding faith schools, the overall vacancy rate across all other school types is 11% and popular schools have very few vacancies.
- The save Colvestone submission claims the council fails to account for up to date pupil numbers in the September Cabinet Report and that this invalidates many of the suppositions in that report;
 - The proposed outcomes (to reduce PAN) will not be achieved
 - The vacancy rates are significantly higher in faith schools and the overall target of 5-10% will not be achieved without addressing vacancies in these schools
 - There are insufficient places at the nearby schools to accommodate all the pupils being forced out of closing schools.
- The save Colvestone submission includes worked examples from each of the schools in question to argue that the proposals will reduce the surplus reception places by 60, rather than 135 places. It looks at whether there are enough vacancies in other local schools as well as whether parental choice is maintained. In addition, it discusses the risk of further closures because the

authors understand that this is only the first consultation and others are planned, potentially affecting up to 16 schools.

- Based on the analysis provided, the Save Colvestone submission demands an urgent review of the latest vacancy data for each proposed school rather than on a borough wide basis. It also insists that each of the proposed school closures should be considered and assessed on an individual basis. Furthermore, it recommends not closing one of the Dalston one-form community schools but rather exploring a potential merger between them.

Response: The council acknowledges that “it does not have the power to control most of the players within the system”. The Council will continue to work within a collaborative process and take a graduated approach to managing surplus places in partnership with faith schools, free schools and academies, which form an important part of the Hackney family of schools.

The detailed analysis provided in the save Colvestone submission does not correctly reflect the vacancy position of schools, nor the surplus places across the borough. This is because it is based on data that reflects the ‘capping’ of some year groups in some schools, in place at the request of the leaders of those schools, to assist in the management of their falling rolls.

Cappings are unofficial reductions to school intakes and do not form the basis of school place planning nor the future projections of demand used by local authorities. A school’s published admission number (PAN) forms part of its admission arrangements which are formally determined by the admission authority for the school and published in accordance with the Admissions Code. An assessment of capacity in nearby schools to accommodate children potentially affected by the proposals is provided at section 4.37 of this report and is based on schools’ officially published PANs.

For each of the schools proposed to close the assessment (at section 4.37) lists nearby schools within statutory walking distance and provides up to date vacancies by year group based on PANs. This assessment identifies, for each school under proposal to discontinue, that across nearby schools there are 100s of alternative school places available in every year group.

If the Cabinet decides to close Colvestone, the local authority will comply fully with its obligations under Section 19 of the Education Act 1996 and ensure compulsory school aged children can access full time, efficient education, suitable to their age, ability and aptitude and to any special educational needs that a child may have.

The offer of places at Princess May that will be made, should Cabinet decide to progress the proposal, satisfies these obligations, however parents have a right to express a preference for any alternative school if they wish.

Parents have a right to express a preference for a particular type of school, for example a non-faith school, a one form entry school or an academy, and may seek a place at schools outside their local area in preference to local

schools, if that is what they wish. The local authority is under no obligation to ensure parents have all of these options within walking distance of their home or their local area, but in Hackney many are.

The primary motivation when proposing a merger of the student body of a school proposed to close into an existing school, is the impact on families and children and the benefits it could bring in terms of children being able to move together with some of their friends to a new setting. The proposal to discontinue Colvestone and offer a guaranteed place at Princess May for Colvestone pupils is not dependent on the assumption that a specific number of children will transition to Princess May.

If the Cabinet decides to progress the proposal, the council will work closely with both schools to understand the number of and impact on children joining Princess May and to support them welcoming the families that do choose to take the offer of guaranteed places.

4.44. **Comment:** The save Colvestone submission outlines perceived flaws in the consultation process. A summary of some of the issues raised are:

- The save Colvestone submission observes that “there are multiple instances where the consultation process has failed to follow or deliberately misrepresents” the Statutory Guidance for opening and closing maintained schools and the Council’s Estates Strategy. Several examples are detailed on pages 14-17 of the save Colvestone submission.
- The September report to the Cabinet is considered to have been “ill informed and lacking detail”, whilst the design of the consultation is considered “ineffective” for the stated purpose of determining whether to close the schools. The rationale behind this viewpoint is set out in pages 18-21 of the save Colvestone submission.
- The save Colvestone submission asserts that the consultation was “inaccessible to some of the groups that should have been included” and the process “damaged the financial viability of the schools in scope”. It states that the consultation documents were not sent to local residents, despite the Cabinet report listing them as a group to be included and criticises the lack of information provided in alternate languages and the lack of engagement with families or staff at local nurseries and other childcare settings.
- The save Colvestone submission claims the council have not provided information as requested and that some of this has been acquired by other means and used to support the alternative analyses presented in the submission. It asserts that this information should have been presented by the Council to enable a more informed consultation.
- The save Colvestone submission claims the Council should have consulted on each proposal individually, with information made

available as a context for each including the circumstances and locality for each school. Because this was not done, informed scrutiny and consultation was not possible.

- The save Colvestone submission objects to the fact that the Council has not consulted on alternative proposals.
- The Save Colvestone submission states that part of the consultation was undertaken during school holidays.

Response: The council considers it has consulted lawfully. Officers followed the Guidance and took legal advice. The process is detailed in this report under Statutory Notice Summary, points 4.20 to 4.23. Paragraph 4.21 deals with the translation into other languages of the Statutory Notices. The Council held early engagement sessions before meeting to decide whether or not to consult. The Guidance states (at page 7) that “Both the consultation period and the representation period should be largely carried out in term time to allow the maximum numbers of people to see and respond to what is proposed.”

4.45. **Comment:** The save Colvestone submission presents data that challenges the Council’s interpretation of child yield and related time frames from the Dalston plan developments. It submits that this information is specifically relevant to Colvestone as the nearest primary school to all of these developments. Some points raised are:

- The Dalston Plan forms parts of commitments made and adopted in 2020 as part of the Hackney Local Plan (LP33). These proposals would benefit Colvestone by delivering new children to the immediate locality in need of primary school provision in the short to mid-term, and long term place demand downstream from these projects. These committed projects would be harmed by the closure of Colvestone Primary School.
- Most of the development would be concentrated at the Kingsland Shopping Centre with around 30% of the proposed housing being 3 bedroom family sized units and the aim of 50% of the development to be affordable housing. This could bring 200+ new families into the immediate area.
- If Colvestone and De Beauvoir schools were closed, parents in that development would have to travel almost half a mile to get to a non-denominational school. And even the closest one, Princess May, sits next to the A10
- The Dalston Plan makes it clear that there is demand for Colvestone’s school places in the medium to long term, because of the large number of new housing which the SPD will encourage in the immediate vicinity, and for which Colvestone will be the nearest primary school.

- An assessment of likely child yield is provided and it is claimed the figures demonstrate that the Dalston Plan developments (planned for delivery in the short to medium term) will deliver 76 and 100 children to the immediate vicinity of Colvestone primary school - between 2.5 and 3.5 entire year groups of school aged children within very short (most sites, less than 100m), fully pedestrianised access to primary school provision. This is anything but negligible, and the proportion of 0-4 year olds suggests an even healthier future demand for places downstream. This data draws a compelling picture of future demand for places in the short to medium term.
- Closing Colvestone could impede the success of the development by making it hard for developers to sell those apartments to families, given the limited schooling options. The closure of so many local authority schools, and particularly one close to a new development, threatens to lock Hackney into a death spiral when it comes to families living in the area - a reduction in families leads to the closure of schools and reduction of choice, which makes the area unappealing to families, which leads to more closed.

Response: There are proposed areas for regeneration and new housing across the borough and in some of the areas close to the schools covered in this report. However, despite the extensive Council and family housing planned, the expected initial child yield is low and would not impact medium to long term demand. For the projected figures we have there would remain enough school places to accommodate need. Projections obtained annually from the Greater London Authority take into account proposed new developments that have attained planning permission.

The recently undertaken Strategic Housing Market Assessment 2023 indicates that household growth in Hackney between 2022 and 2039 will be predominantly single people (+45.1%) and cohabiting, i.e. shared living, households (+44.2%). In comparison, there is little change in the projection for families with children over the same period. With the exception of Stamford Hill, the majority of Borough-wide housing need is for smaller homes. This is important in considering the likely effect of such housing on pupil numbers.

Adopted in July 2020, the Hackney Local Plan 2033 (LP33), requires that all new development in the borough have regard to existing social infrastructure, which includes the provision of education facilities. Within LP33, policy LP8 states that *'where proposed development is expected to place pressure on existing social infrastructure by increasing demand, these developments will be expected to contribute towards the provision of additional social infrastructure to meet needs, either through on-site provision or through contributions towards providing additional capacity off-site.'*

The Infrastructure Delivery Plan, which informed the policies within LP33, notes that while the borough's population is expected to increase to 321,000 by 2033 (42,000 higher than in 2018), that the age mix of the borough is anticipated to shift towards the older community with the growth in over 65s being four times greater than the growth in the school age population, ages 0-15. Again, such long term forecasting suggests that changes which forecast increases to the overall general population, need to be balanced against demographic changes over this time.

While there are variances across the different housing tenures, across the Council's programme as a whole, just over 70% of the homes delivered have been 1 and 2 bed homes; with just under 30% comprising a mix of 3 and 4 bed family sized homes. This is broadly consistent with policy LP14 as outlined in LP33, which, depending on the tenure of housing, requires all new developments to comprise a mix of family sized homes, ranging from 15 to 36%.

The council considers that there will remain sufficient school places in the planning area, and within statutory walking distance, for the entire length of time for which it has information available to it. Places required to accommodate the yield of school aged children from proposed developments is not anticipated to exceed availability of places even with the discontinuance of Colvestone and progression of the proposed developments.

Despite Hackney building new homes the numbers will be insufficient to have any significant impact on the proposals in this report for schools in scope for closure and/or merger.

- 4.46. **Comment:** The save Colvestone submission points out that the Council has no recent experience of closing schools and should have done so in an "informed, holistic and consultative fashion".

Response: For many years school closures were not necessary. The Council's consultation process included all steps required by the Guidance, as well as an additional engagement at the start and additional action to publicise the statutory representation period. The Council's powers are limited in dealing with the challenges it faces over falling rolls; parental choice for example, and its very limited powers in relation to opening a new school under current legislation. It consulted on the option of closing some of its schools as a last resort having previously taken steps outlined in this and previous reports in order to avoid this.

- 4.47. **Comment:** The save Colvestone submission points out that the consultation has had a "chilling" effect on transfers and enrolments into schools that are the subject of the proposals.

Response: The Council acknowledges that the proposals, sadly, and perhaps inevitably, have resulted in changes to choices parents have made, reducing numbers of children in affected schools further.

School	Total on Roll (Provisional October 23 census)	Change since Jan '23 census	% Change since Jan '23 census
Baden Powell Primary School	154	-8	-4.9%
De Beauvoir School	57	-58	-50.4%
Colvestone Primary School	116	-14	-10.8%
Randal Cremer	128	-114	-47.1%

The Council is monitoring pupil movement closely and supporting schools as required. The Council acknowledges the impact for staff and pupils to see their peers and friends leaving the school prior to any final decision.

The Council acknowledges the uncertainty parents have faced and has supported parental preference as to whether they acted in anticipation of a decision to close their school, or waited until after the decision.

4.48. **Comment:** The save Colvestone submission claims that “through the successful partnership with the Blossom Federation, in only 6 months the new Senior Leadership Team have demonstrated that they can return the school to financial health despite the reduced pupil numbers.”

Response: Colvestone School submitted an agreed 2023-24 budget to the local authority in May 2023 inclusive of the savings achieved in the previous 2022-23 financial year of £28,320.

The school forecasted an increase in the deficit for the following 3 years 2023-26 and were anticipating a significant growth in pupil numbers in academic year 2027-28 which would facilitate the process of recovering the deficit to a larger extent.

However, following a review of the actual income and expenditure for period 6 (September 2023) the forecast financial position was revised as stated below:

Financial Year	2023-24	2024-25	2025-26
Projected Deficit May 2023	-589,261	-682,951	- 793,491

Financial Year	2023-24	2024-25	2025-26
Projected Deficit Nov 2023	-601,964	-819,693	-1,041,600

The revised forecasts show the deficit exceeding £600,000 at the end of the current financial year and growing over the coming years.

The Council acknowledges the outstanding support offered to Colvestone by the Blossom Federation who have expertly stabilised the school's education provision and their financial position having inherited an historical deficit from the previous leadership of the school.

After the executive headteacher and head of school left Colvestone in August 2022, the school's governing body supported by the Council looked at proposals from Blossom Federation and Princess May. This temporary soft partnership (recently extended until July 2024) allows Colvestone to receive leadership and business support to improve standards and children's outcomes, and stabilise the budget, all of which has been achieved with the support of The Blossom Federation.

This expert support was reflected in a recent Ofsted Inspection which found the school good overall.

- 4.49. **Comment:** The save Colvestone submission claims that, despite persistent requests, there remains no cost-benefit analysis of each of the individual proposals. Closing a school is hugely costly, and the submission identifies multiple additional costs not budgeted for in any of the consultation documents prepared by the Council. It claims the likely costs declared by the Council for realising the proposals to be a substantial under-estimation.

Response: The council acknowledges the points raised. The rationale for taking action is to ensure our primary schools can continue to offer the very best education for residents and this is directly linked to the financial viability of schools.

Decision makers were presented with estimates of the costs of closing schools in the May Cabinet report and are included with this report in Appendix U. The council acknowledges the associated costs are significant and largely fall to the local authority and, most significantly, include any deficit a school is carrying at the point of closure. Without reducing the number of surplus places in our primary schools financial pressure will continue to grow and push a growing number of schools into or toward deficit.

In the current climate where supply of school places has exceeded demand for 8 years, reserve funds across maintained schools are being exhausted at an alarming and unsustainable rate (ie. forecast to reduce by 70% in just two years, see section 5.4 to 5.10), and two thirds of maintained primary schools (or the federations they form part of) are forecasting they will be unable to

operate within budget this financial year, the local authority will face even greater costs when closing schools in the future as school deficits build.

4.50. **Comment:** The save Colvestone submission includes the 11 September 2023 Judicial Review pre-action letter (Appendix V), which states; the Council has wholly failed to factor air quality impact into the PSED analysis. Negative air quality impacts are known to harm those who are more vulnerable, in particular, children. Hackney’s own Air Quality Action Plan 2021- 2025 identifies school communities as amongst the most susceptible groups to the serious health impacts of air pollution within its strategy to improve air quality throughout the borough.

Air pollution levels are significantly higher at Princess May than at Colvestone. Princess May is on a main road (the A10); Colvestone is on a quiet back street, part of a fully-funded re-greening project which will further improve air quality, meaning that closing Colvestone will inevitably expose children to poorer air quality.

Response: The Council acknowledges concern that children may be exposed to pollution when travelling to schools. The Council’s [Air Quality Action Plan](#) seeks to improve air quality in the community.

The Council has looked closely at the air quality at Princess May, as we know this is a concern for some parents.

Air quality as measured by average Nitrogen dioxide (NO₂) at the six school sites in Hackney was reviewed. For 2022 all of the diffusion tubes located near these schools were well below the Hackney air quality objective of 40 (µg/m³), as seen in table below, with some improving since 2021.

Site name	2021 NO ₂ annual concentration (µg/m ³)	2022 NO ₂ annual concentration (µg/m ³)	Pollutants monitored
Randal Cremer	20	19	NO ₂
Nightingale	19	17	NO ₂
Baden-Powell	18	19	NO ₂
De Beauvoir	39	36	NO ₂
Colvestone	23	21	NO ₂
Princess May 1	23	20	NO ₂
Princess May 2	32	32	NO ₂

Source (Air quality Action plan 2021-2025 and ASR Hackney 2022)

Air quality is measured near Princess May School in two places. While the latest air quality monitoring shows that one of them has higher nitrogen dioxide levels than Colvestone, both are within air quality objectives. We will be doing further work to bring this down, as part of the wider mission to improve air quality and reduce traffic around all schools in Hackney.

Princess May already has greenery and screening between its playground and the A10, and has been shortlisted for further work as part of our green screen programme involving the installation of 2-3m high ivy plant screens on the perimeter of schools between playgrounds and busy roads.

The school has also benefited from the 3.9% reduction of traffic on the A10 side as a result of the wider Stoke Newington Low Traffic Neighbourhood (LTN), which covers three sides of the school, and has a School Street on two sides, which has further reduced traffic

We've rolled out School Streets to nearly all Hackney primaries to tackle air pollution, and we want 75% of the borough to be low traffic by 2026. To keep reducing pollution, we need people to ditch the log burners, and walk, cycle or take public transport, or, if they need to drive, switch to car clubs or EVs.

Further information is added to EIA (Appendix B)

4.51. **Comment:** The save Colvestone submission states that there will be “no going back” should the school be closed. Some points made include:

- Under ‘free school presumption’ a local authority cannot open a local authority school – new schools will automatically be free schools run by the for-profit sector, with Hackney Council forced to give over the historic (or modern) school buildings to the private company, along with all oversight on how the school is managed and what they teach, on a long lease without generating any rental income (and yet incurring costs) for the Council
- Claims the LA has consistently refused to release information related to the deeds of Colvestone school – denying both FOI requests and legal representations.
- Due diligence has not been conducted on the status of school buildings as demanded by the Estate Strategy with regards to building deeds / titles, particularly with regards to restrictive covenants, and specifically with regards to restrictive covenants believed to be included in the transfer deeds (1906) of the Colvestone school buildings when they were acquired by the LCC in 1906 from an educational charity (still extant).

Response: The Council acknowledges that the free school presumption has limited its powers dramatically. This is discussed within this report at paragraph 10.6 to 10.8.

The council’s legal team has confirmed that, having reviewed the title, no such restriction exists. There is no implied assumption that charities have a right of first refusal in respect of education land/buildings disposals.

A FOI was received and has been responded to.

5. Recommendations for proposals

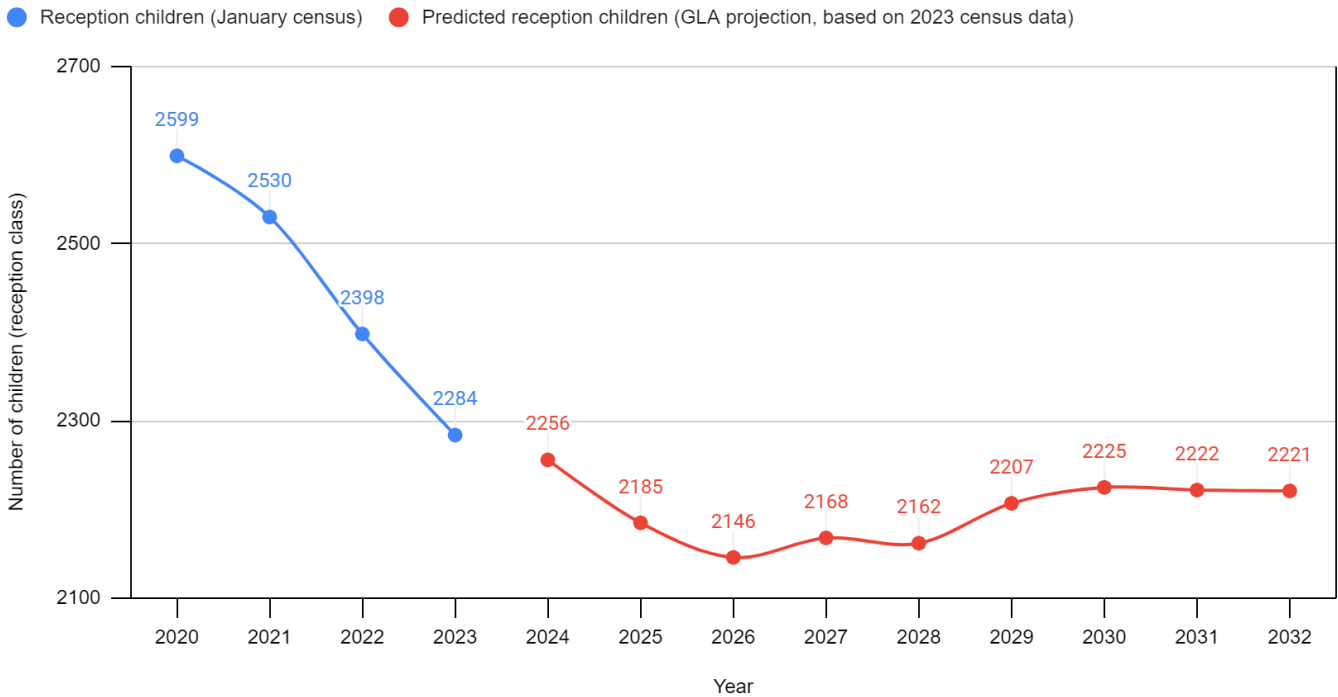
- 5.1. **In making their decision Cabinet members are reminded that ‘conscientious consideration’ must be given to the responses before the decision is made. The statutory notice comments are mostly very much opposed to the proposals, however Cabinet is recommended to determine the statutory proposals described in section 3 of this report for the following reasons:**

Decreasing demand for primary places

- 5.2. There are fewer children requiring reception places than 9 years ago, resulting in a significant level of surplus primary places in Hackney. Our schools currently have over 600 empty places in Reception classes alone (21% surplus) - the Council aims to have between 5 and 10% surplus. Based on the most up to date projections available to us, the number of children projected to need places in Reception over the coming years shows that, without reducing the number of places in the borough, we will continue to have over 550 vacant spaces (20%+ surplus) until at least 2030. (table 3, Appendix C).
- 5.3. Hackney is observing lower than forecast numbers of children joining reception classes this academic year. Provisional October 2023 census figures show 2164 on roll in reception while the GLA forecast 2256 would join reception classes. This equates to an additional 3 reception classes (92 children) remaining unfilled.

Observed and projected number of children in reception classes in Hackney schools

Recorded January school census, 2007 - 2023 & GLA projections 2024 - 2032



Financial viability

- 5.4. A high number of surplus places (vacancies) means that schools become financially unviable over time. A school's funding is based on the number of children on roll, so schools with a high number of vacancies have a smaller budget than schools that are full, but they carry the same financial, educational and wellbeing responsibilities to their children, families and staff. This is because many costs are driven by the number of classes in a school, whereas funding levels are driven by the number of pupils.
- 5.5. As an example, in 2022/23, for every surplus place that a maintained primary school carried, it lost on average £6,484 per surplus place. For a one form entry school carrying 33% surplus places in every year group (10 empty seats in a class of 30), the school would be losing out on a potential £453,880 additional income, with no change to the number of class teachers, who represent the primary expense in school budgets.
- 5.6. In this situation schools are forced to use their surplus funds or go into deficit to ensure the quality of education for Hackney children is maintained. Over two thirds of Hackney's maintained schools, or the federations they form part of, are predicting they will over-spend by the end of the 2023/24 financial year.
- 5.7. Financial reserves are reducing at an alarming and unsustainable rate across Hackney's maintained primary schools, or the federations they form part of, and are projected to fall by £6.48m or 70% in the two years to March

2024. The combined surplus totalled £9.08m in 2021/22, fell significantly to £5.8m in 2022/23, and is forecast to drop further to £2.6m at the close of 2023/24 financial year.

- 5.8. The Council is financially liable for any maintained school deficits, and must decide each year whether to continue to fund a school in deficit. When a maintained school closes the Council is responsible for the debt carried by the school at the point of closure. This also applies when schools faced with financial challenges convert to academies.
- 5.9. If the Council does not take action to reduce the number of primary places to align with the current and projected demand, we knowingly take on increased financial burden and responsibility at a time when we are required to find £57m in savings over the next 3 years.
- 5.10. The longer the Council delays taking action on reducing primary places, the greater the financial burden it will inherit.

Quality of Education

- 5.11. To avoid going into deficit, or to bring a school's deficit back under control, school governors and leaders are forced to make difficult decisions about whether to reduce the number of teachers or teaching assistants, support staff, school leaders, put off investment or maintenance in school building and equipment or find other savings, all of which impacts negatively on the quality of education and school experience for Hackney children and staff.
- 5.12. Schools with reduced budgets have less income for support staff such as teaching assistants and learning mentors, who provide important support for pupils through academic and pastoral interventions. Specialist teachers with expertise in physical education, music, languages or art become too expensive, meaning primary class teachers who may not be skilled or trained in these areas have to teach these subjects themselves. It is also common in small schools to see leaders double up on roles, such as headteachers taking on the SENCO responsibility.
- 5.13. As budget pressure becomes greater, and class sizes drop below 50%, schools must also consider the option of "vertically grouped" classes to avoid going into deficit. This requires a sufficiently experienced and able teacher to teach children from across two year groups in the same classroom. Vertical grouping brings increased complexity in day to day management and organisation and increased workload for the teacher. The challenges of recruiting and retaining skilled and experienced teachers in London can make schools under financial pressure less attractive.
- 5.14. In addition, limited budgets mean that occasional but important work to maintain the quality of experience at school is not taken forward in a timely manner e.g. the computers used by staff and children become increasingly obsolete and need replacement, sometimes across the whole school at once due to their original purchase being made in bulk.

- 5.15. Enrichment activities have to be curtailed such as curriculum days which schools might run to enhance an offer (i.e. Roman Days led by external companies). Clubs and wrap around provision can also be affected.

The Council's duty to ensure there is a sufficient level of school places

- 5.16. Based on the most up to date information available it is likely that further measures, over and above those currently proposed, will be needed to address falling rolls and align the borough's primary school estate with expected demand.
- 5.17. If the Cabinet decides to progress the proposal 105 reception places will be removed from the borough PAN and reduce reception surplus to 17% by 2029 (based on current projections). This would be achieved through reduction of 135 places, namely closure of Colvestone (PAN 30), Baden Powel (PAN 30), De Beauvoir (PAN 30) and Randal Cremer (PAN 45), offset by an increase of 30 places at Nightingale.
- 5.18. However, in isolation, this does not sufficiently address the problem and, based on the latest projections, further action to bring surplus reception places under 10% will be required. The current level of surplus primary places would suggest that the Council needs to do more to reduce the number of vacant school places.
- 5.19. It is for this reason that the Council will continue to work together with our schools to review and adjust future plans in line with the priorities outlined in the Education Sufficiency and Estates Strategy to bring surplus reception places to within a sustainable range (ie. 5-10%).

Benefits of the proposed amalgamation

- 5.20. The amalgamations of Baden Powell and Nightingale Schools, and Colvestone with Princess May School, can deliver significant benefits financially. Two form entry schools benefit from economies of scale in meeting fixed costs and infrastructure expenses, such as building and facilities, utilities, technology and equipment. Purchasing power is greater in a two form entry school which generates savings that can be used to re-invest in the school's priorities for driving up standards.
- 5.21. It is anticipated that, should the proposals proceed, the receiving schools (Nightingale and Princess May) will benefit from increased income and financial stability through higher numbers of pupils on roll. Managed effectively the schools could benefit from more robust resourcing and could positively impact academic opportunities, access to specialised teachers and wider range of extracurricular activities and clubs. A larger student body can provide pupils with a more extensive and diverse peer group, promoting social skills and cultural awareness. It is believed the proposed mergers could, with the positive engagement of parents and school leaders, foster a sense of community among parents and pupils from both schools.

6. **Impact of the proposals**

- 6.1. The impact of the proposals on the community are acknowledged. Schools are often considered the hub of a community with long standing intergenerational ties and memories for residents. This process has been challenging for the whole school community including Governing Bodies, school leadership teams, teachers, support staff, families and pupils in the affected schools. The council have therefore sought to foster a proactive approach with all those involved during the engagement events and stages, including an ongoing comprehensive support offer to schools to support and mitigate the impact of these proposals, should they be agreed by Cabinet. This would also include helping families plan for and identify an alternative school for their children and support for staff to seek redeployment opportunities.

Impact on pupils

- 6.2. The number of pupils at each of the schools in the proposal can be seen in section 4.37 above.
- 6.3. The positive impact of pupils moving to a full sustainable school can be seen in section 5.20.
- 6.4. Analysis of vacancies at the nearest schools to those proposed to close shows there is capacity to accommodate all pupils affected within Hackney settings. (Appendix N - Nearby schools and vacancies - SES - November 2023). Maps for each year group showing children requiring alternative school places following proposed closures/mergers and vacancies at Hackney and nearby schools are provided as Appendices O to T (there is one map provided for each year group addressing all schools). The Council is confident that all displaced children would be able to attend another good or outstanding school local with a similar range of opportunities available at their previous school.
- 6.5. There has been in year movement since the proposals were announced earlier in 2023, the impact on current enrollment can be seen in section 4.47. The Council is monitoring pupil movement closely and supporting schools as required. The Council acknowledges the impact for staff and pupils to see their peers and friends leaving the school prior to any final decision. The Council acknowledges the uncertainty parents have faced and has supported parental preference as to whether they acted in anticipation of a decision to close their school, or waited until after the decision.
- 6.6. If the decision is taken to proceed as proposed, parents will be supported in the Spring term to help them understand their options and find out their preferences for alternative schools for their children. There will be one-to-one support for families to ensure their children have places at suitable schools, including extra priority for places at nearby schools. There are sufficient school places in the areas where the schools are affected to accommodate all children.

- 6.7. The Local Authority has proposed amalgamation/merger sites that are close walking distance to the original schools, to ensure travel times don't exceed the statutory walking distance requirement two miles for children aged between five and eight, and three miles for children eight and over. This will help with pupils staying in areas that they are familiar with. Should parents prefer a school other than the proposed merging school the Local Authority will support them to secure a suitable school place.
- 6.8. In the case of a merger/amalgamation, all children will be transferred to the merged school if that is what the families want. This means they would attend that same school as their friends. The Council will support families who do not want their children to attend the merged school to explore other options. We want to carry out changes in a way that minimises disruption and distress to children and families, communities and staff.
- 6.9. If a decision is made to close/merge schools the council is committed to ensure that support is available for pupils. The council will create an in depth transition plan which includes a similar data collection to the year 6 transition, where current schools will provide information on each pupil which can be passed to their new school. This will be used by Hackney support staff to ensure that pupils where needed are monitored and via Multi Agency Partnership meetings extra support will be provided as needed. Further work would be introduced to ensure as little impact and a smooth transition which will be finalised if a decision is made.

SEND pupils

- 6.10. The Local Authority will ensure that children with SEND are placed in appropriate settings to minimise disruption. The transition information in section 6.8 will be for all children.
- 6.11. The number of pupils with an EHCP and SEND support at each of the schools in the proposal can be seen in section 4.31.
- 6.12. If a child has an Education, Health and Care Plan, their SEND key worker will work with the family directly to consult and determine another school that can meet their needs. Children with SEND but without a plan will be supported to ensure special transition arrangements are in place to help the move go smoothly.
- 6.13. £1,000 will be given to schools receiving children with SEND needs from one of the schools with proposed closure/merger to ensure a smooth transition. The purpose of the funding is to provide transition support for our high needs children. Settings will be able to use the Team Around the School process to help plan the use of support.

Parental Choice

- 6.14. Under Section 86 of the School Standards and Framework Act 1998, Local Authorities and the Governing Bodies of maintained schools are under a

duty to comply with the wishes of a parent in expressing a preference for a particular school, and admit the child, unless complying would prejudice the provision of education or the efficient use of resources. Parents have a right to express a preference for the school they want their child to attend, but do not have a right for their child to attend that particular school.

- 6.15. Section 19 of the Education Act 1996 requires the local authority to ensure compulsory school aged children can access full time, efficient education, suitable to their age, ability and aptitude and to any special educational needs that a child may have.
- 6.16. Parents have a right to express a preference for a particular type of school, for example a non-faith school, a one form entry school or an academy, and may seek a place at schools outside their local area in preference to local schools, if that is what they wish. However the local authority is under no obligation to ensure parents have all of these options within walking distance of their home or their local area.
- 6.17. There are numerous good or outstanding primary schools with vacancies within walking distance of the schools that may close (see section 4.35). Should the closures go ahead, the Council will work closely to support families to make a planned transition to a new school for the start of the new academic year in September 2024. Families may also seek to secure a place at an alternative school via the 'in-year' admissions process if they wish.

Impact on staff

- 6.18. The number of teachers and support staff that would be affected if the proposals are taken forward are summarised in the table seen in section 4.35, this includes teachers and support staff.
- 6.19. We acknowledge the serious impact these proposals have on staff wellbeing prior to any final decision and the direct impact on the lives and livelihood of staff should the decision to close or merge schools go ahead. In view of this we will ensure those staff have access to an employee assistance programme, where they can access confidential advice and counselling.
- 6.20. In the event of closures, the Council will do everything it can in accordance with statutory procedures to help staff find alternative roles in schools across Hackney and beyond. However, as a last resort, staff will be offered redundancy and/or retirements.
- 6.21. Those affected will be supported through practical outplacement support such as application and CV writing, interview skills and potential job opportunities in other Hackney Schools. A particular emphasis will be given to supporting support staff, many of whom are Hackney residents.

Support offer

6.22. In addition to the support offer detailed above. The impact of the proposals will continue to be monitored and an appropriate support offer is in development. A support package for schools impacted by falling rolls and the current proposals has been communicated, and includes direct financial support. Other support includes:

- Support available for 6 headteachers / school leadership wellbeing
- Extended CPD offer for the staff at the schools
- Financial support for the six schools as the council recognises the impact of these proposals on them, to support continued focus on children and education
- Financial support for SEND pupils (and receiving schools) where pupils have already moved
- Training support for staff is in the pipeline
- Transition focus and community cohesion work for pupils and families in progress

6.23. The above impacts are acknowledged and the council is committed to ensuring an ongoing comprehensive support offer to support and mitigate the impact of these proposals. As part of this and the general impacts of school closure of amalgamation/merger the decision makers should further consider the protected characteristics and equalities impact assessment below.

Equality impact assessment

6.24. Allowing surplus places to remain above 20% through inaction would directly and negatively impact the financial viability of many Hackney schools, which in turn will have an impact on quality and breadth of the education offer at those schools.

6.25. The Council must make best efforts to ensure that the gradual attrition of pupils does not further disadvantage those who are already disadvantaged socially/educationally.

6.26. In making any decision to amalgamate/merge or close schools the Council must consider the school and local communities and groups with the following protected characteristics:

- Age (a person belonging to a particular age or range of ages)
- Disability (a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities)
- Gender reassignment (the process of transitioning from one sex to another)
- Pregnancy and maternity (Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks

after giving birth, and this includes treating a woman unfavourably because she is breastfeeding)

- Race (Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.)
- Religion and belief (Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief.)
- Sex (A man or a woman)
- Sexual orientation (Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.)

6.27. In addition to the above protected characteristics, Hackney also considers disadvantages for people by socio-economics and identifies other priority groups, for example, children in care and single parents. It also considers Gender reassignment, the definition is broad, so is likely to cover a wide range of transgender and non-binary people. As well as environmental impacts such as air quality.

6.28. The Equalities Impact Assessment (Appendix B) details Hackney's protected characteristics profile, risks, impacts and mitigations if a decision is made to accept the proposals. Members are asked to review this document carefully before the meeting and consider the effect of the proposals on our young people including, those with SEND, on having to move school, including the effect of air pollution (see especially page 20). This document also considers issues relating to local integration and community cohesion objectives, which have regard to the [Integrated Communities Action Plan](#)

7. **Consideration of alternative options to address falling rolls**

Option 1 - No action

7.1. The Council has a duty to manage school places effectively, and to ensure that schools provide high quality education for children, and deliver Best Value, and continuous improvement through the efficient, effective and economic management of our school estate.

7.2. The Council is ambitious for Hackney children; our schools achieve excellent results and we want to ensure they remain among the very best in the country.

7.3. If no action is taken it is inevitable that quality of education and outcomes for Hackney children are at risk and the Council will be liable for the costs of schools worst affected by falling rolls as they move into debt or increase their deficit and eventually close for financial reasons.

7.4. As outlined in section 5.4 to 5.10, the operational and financial challenges affecting schools with falling rolls will continue to increase with a negative impact on pupils and the Council's financial position. Taking no action to the issues affecting schools with falling rolls is not an acceptable option available to the Council.

Option 2 - Phased implementation of the current proposals over 2 or more years

- 7.5. This option was rejected as there is an urgent need to take action and any delay is very likely to result in increased financial liability for the council as schools at risk move toward or increase their deficit position.
- 7.6. Additionally, further measures to address falling rolls are likely to be required in the coming years to bring the primary school estate in line with current and projected demand. If taken forward, the proposals outlined in this report would begin to address the issue of falling rolls by removing 105 reception places; however, in isolation, this is unlikely to resolve the problem and, based on current projections, further action to bring surplus reception places under 10% is likely.

Option 3: Close/merge more schools than those currently proposed.

- 7.7. Further measures to address falling rolls, over and above those proposed in this paper, are likely to be required in the coming years to bring the primary school estate in line with current and projected demand.
- 7.8. Action to address falling rolls that involve more schools than the six that would potentially be affected by the current proposals was considered. This option might be considered by some to be favourable because it could provide greater reassurance that children, forced to move school as a result of their school closing, would be less likely to have to move primary school again if further action is required in the future.
- 7.9. This option was not preferred due to limited resourcing and capacity to effectively manage and mitigate impact of a greater number of closures/mergers.

Option 4: Alternative options for De Beauvoir primary

- 7.10. Alternative pairings for the proposals were considered and detailed in the May Cabinet report, additional suggestions have been put forward in the consultation summarised below:
- 7.11. Merging De Beauvoir and Randal Cremer on either site was suggested however it was not considered a feasible option for all families as the schools are 1.1 miles apart, walking distance which is a 25 minute walk, and the distance would be a barrier for those living for example, north of De Beauvoir or south of Randal Cremer.
- 7.12. Merging De Beauvoir and Princess May on either site was suggested however it was not considered a viable option as it was considered unlikely to lead to sufficiently stabilising numbers of pupils at either school. Although a merger with Princess May was not proposed, at 16 minute walk (0.7 miles away) it is likely the school will have capacity to accommodate any families from De Beauvoir if that is what they want. Colvestone was considered a

better school to merge being 0.4 miles and 8 minute walk away from Princess May.

Option 5: Alternative options for Colvestone primary

- 7.13. Merging Colvestone and Princess May on the Colvestone site was suggested however this option was considered infeasible as the Colvestone site is unable to accommodate all the children from Princess May. The decision to propose a merger onto the Princess May site may positively impact that schools' falling roll and unused capacity.
- 7.14. Merging Colvestone with other schools in the Blossom Federation was suggested however these options were considered unsuitable due to the distance between Colvestone and other schools in the federation.
- 7.15. Merging De Beaviour and Colvestone on the Colvestone site was suggested however, based on pupil numbers at the time, Colvestone appeared unable to accommodate all the children from De Beauvoir. The subsequent drop in pupil numbers at both schools makes this option feasible in terms of pupil numbers, however this is not favoured due to Colvestone's financial position. Amalgamating into a one form entry school is not financially preferable.
- 7.16. It has also been proposed by those in support of Colvestone remaining open, that it could be a school for pupils with SEND. However in the short term this option is unfeasible because the school would need to be closed while building modifications and arrangements were made requiring all children to move to other schools. However all options regarding future use will be considered for medium to long term should the school close as a result of these proposals.

Option 6: Alternative options for Randal Cremer Primary

- 7.17. Options for merging the school were considered but there was no single school located near enough with the sufficient places to accommodate all of the pupils. However, there are sufficient schools nearby with surplus places that could accommodate the pupils from Randal Cremer. Hoxton Garden, Sebright, St Monica's and St John the Baptist are likely alternative schools and all rated Good or Outstanding by Ofsted.

Option 7: Alternative options considered for Baden Powell Primary School

- 7.18. Options to merge Nightingale and other schools with surplus places rather than Baden Powell, were considered. This option was not progressed primarily because Nightingale did not have capacity to guarantee all children at neighbouring schools with surplus capacity a place, based on pupil roll data at the time, and because the distance between these other schools was less optimal than between Baden Powell and Nightingale.

The Councils powers in relation to falling rolls

7.19. The limiting factors at play in our options; The Council has to make arrangements for enabling parents to express a preference for their child's school. The Council does all it can to accommodate parental preference for a school. It is of course limited in this when a school is oversubscribed. It can no longer open a new school, as mentioned elsewhere in this report. It has the power to close a school it maintained, but no such power in relation to an academy or free school. Options available to it in taking action to reduce the issues it faces with falling rolls are limited to closure and amalgamating maintained schools. Continuing with current and projected levels of deficit in the circumstances of significantly reduced pupil numbers would be irresponsible.

8. **Risk assessment**

8.1. The implementation of this strategy is key mitigation associated with the surplus of mainstream school places and key risks and mitigations at this stage are outlined below.

	Risk	Mitigation
1	<p>No action taken</p> <p>Growing financial burden (highlighted in section 5.4 to 5.10), reputational damage and risk to quality of education (highlighted in sections 5.11 to 5.15).</p>	<p>This report and other evidence produced for decision makers clearly sets out the financial and quality of education risks associated with no decision and emphasises the need for action .</p>
2	<p>Decision making is delayed</p> <p>If the decision making timeline outlined at 9.1 is not achieved statutory school admissions lead times would push any proposed closures/mergers by at least 12 months (i.e. September 2025 or later), resulting in continued and escalating pressure on school finances, the quality of education offered to residents and continued uncertainty for families and staff.</p>	<p>Decision makers are made aware and reminded of timeline dependencies and impact.</p>
3	<p>Decision to implement cannot be taken by the Council if it is not taken within two months of the end of statutory representation period.</p> <p>If Cabinet does not determine the statutory proposals within two months of the end of the representation period, (that is, by 3 January 2024), under the statutory process that must be followed, the decision can only be taken by the Office of the Schools Adjudicator.</p>	<p>Decision makers are made aware and reminded of timeline dependencies and impact.</p>

	Risk	Mitigation
4	<p>Impact of proposals on schools proposed to close or amalgamate/merge.</p> <p>Pupils and staff leave schools proposed to close/merge following decisions and prior to July 2024 (highlighted at 6.18 to 6.21), affecting quality of provision or making schools unviable during the current academic year.</p>	<p>Monitoring pupil and staff movement, robust communication and early reporting of viability concerns in cooperation with schools. Support offer developed and implemented</p>
5	<p>SEND to mainstream pupil ratio increases</p> <p>SEND to mainstream pupil ratio in schools proposed to close/merge increases as rolls and funding continue to fall, bringing additional pressure to schools, with adverse effect on remaining pupils with SEND</p>	<p>Monitor impact and progress proposals to provide direct financial support.</p> <p>Progress implementation of ESES, priority 1 creating new SEND provision in borough (further information can be found on the Local Offer.)</p>
6	<p>Engagement disparity between school communities</p> <p>Parent/carer voice and ability to engage differs between schools/communities and is not necessarily reflective of the impact of proposals or strength of feeling.</p>	<p>Independent assessment and thematic reporting of consultation responses for decision makers.</p> <p>Raise awareness with decision makers around disparity between school communities' ability to engage.</p>
7	<p>Meeting potential future demand</p> <p>Ability to meet future demand if schools are closed/merged and pupil numbers increase.</p>	<p>Unused capacity in existing school estate is monitored and retained to allow for expansion of places by increasing schools PANs (Appendix C, section 5)</p>

	Risk	Mitigation
8	<p>Legal action</p> <p>A Judicial Review pre action letter was sent to the Council on 11 September 2023 on behalf of Colvestone Family and Staff Association, a legally registered charity, acting on behalf of Save Colvestone Primary School (“Save Colvestone”), a group of Colvestone parents and carers.</p> <p>The Council responded to this on 25 September 2023. (We append a copy of the PAP dated 9.11.2023 (Appendix V) together with a copy of the Council's response(Appendix W).</p> <p>A Cabinet decision in relation to any of the proposals before it for determination could become the subject of a further pre action letter and/or an application for permission for judicial review in the High Court. This could become a full hearing by the Court, if permission were granted. Such action would result in considerable expense in officer time and legal costs and potential delay to the process of implementing the proposals.</p>	<p>Officers have sought legal advice throughout this process. They have taken advice and steps to ensure that they have followed the Guidance and the law it refers to, as well as Council procedures and policies and duties under the Equality Act 2010. Relevant Council departments have worked with each other and external stakeholders to ensure that their actions, consultations and proposals are lawful, made in accordance with the requirements of the Constitution, the budget and policy framework.</p>
9	<p>Call in</p> <p>This is the procedure by which Councillors who are not members of the Cabinet can request that executive decisions are considered by the Scrutiny Panel. This power should only be used in exceptional circumstances, in accordance with the procedure. The process is described in the Constitution at Part 4E.</p> <p>This would impact the community by further elongating the period of uncertainty.</p>	<p>Officers have sought legal, financial and other advice throughout the considerations and processes that have resulted in the request for these decisions.</p>

9. **Next steps**

- 9.1. If the Cabinet decide to proceed with the proposals the table below details the timeline if the decision is made to progress te closure/mergers
(*Approximate dates subject to change depending on the progress*):

Date	Event
December 2023	Responses made during the statutory representation period are considered by the Cabinet, who makes the final decision

Date	Event
<i>Cabinet Decision 3</i>	<p>to proceed or not with mergers and/or closures, on 11 December 2023.</p> <p>Implementation Date if Not Called In = 19 December 2023</p> <p>Stakeholders will be informed of the decision.</p>
January-August 2024	<p>School merger and closure arrangements are made (subject to Cabinet’s decision in December 2023).</p> <p>If cabinet agrees to the proposals for closure/mergem then implementation plans in draft for merger/closure will be developed with the school leadership to ensure they reflect the needs of the community:</p> <ul style="list-style-type: none"> ● The HR process for staff will begin ● The transition plan for pupils and families will begin <ul style="list-style-type: none"> ○ SEND and admissions teams will be in contact with families regarding finding alternative schools. ● Asset and operational process <p>August: Schools in scope officially close.</p> <p>Undertake options appraisal for the future use of each site in the context of the local area and council priorities</p>
September 2024	Children begin at the new schools.

10. Policy Context

School Organisation Plan & Education Sufficiency and Estates Strategy

- 10.1. Hackney’s aims are to create a fairer, more inclusive borough, which supports children and young people to thrive. We want to optimise schools’ roles as an anchor system in the borough and ensure that developments and changes are sustainable. Hackney Education’s mission is to improve the life chances of every child, young person and learner in Hackney.
- 10.2. The School Organisation Plan (SOP) (Appendix X) is reviewed and updated annually and provides schools, governing bodies and the public with: an overview of the educational provision on offer in Hackney; a summary of current pupil numbers and projected demand across the primary and secondary phases; the factors considered by Hackney Education when determining the need to increase or reduce school places; a summary of historic and planned primary school place reductions from 2019 to up until September 2023.

- 10.3. The SOP is reviewed and updated annually with the latest school roll and projections data, as well as any further proposed changes to school organisation.
- 10.4. To best respond to the borough's school organisation challenges Hackney Education has developed The Education Sufficiency and Estates Strategy (Appendix Y) approved at Cabinet on 28 February 2022, a 10 year, medium to long term strategy, to consider how best to resolve four priority issues: the significant increase in demand for SEND education provision; falling primary mainstream school rolls; the projected fall in secondary mainstream school rolls due to a declining primary roll; a long term sustainable use plan for all education sites in the borough. The proposals in this report relate to priority 2, to address falling primary school rolls, by working with schools with budget pressures and falling pupil rolls to seek viable long-term solutions.
- 10.5. In addition, if the proposals in this report are taken forward, the Council will consider whether any vacated site could reasonably be utilised in addressing priority 1, the significant increase in demand for SEND education provision.

Amalgamation and closure of schools

- 10.6. Section 6A of the Education and Inspections Act 2006, requires that, where a local authority identifies a need for a new school in its area, it must establish an academy (free school). This requirement, known as the 'free school presumption', means that the Local Authority is unable to open a new school and must instead seek proposers for a free school/academy.
- 10.7. This removes the option for the Local Authority to consolidate one or more schools at risk due to falling rolls by closing them all and creating one new school that brings governors, staff and students from all schools together on an equal footing.
- 10.8. Given this context the Council has the following options:

1. Merge/amalgamate schools by closing one school and guaranteeing places for displaced children in another 'host' school if that is what parents want. This gives the option for all pupils to move to the new school with their peers as a group. This option means the host school retains its original DfE school number as it is not technically considered a new school. However, following the merge/amalgamation process, governors of the 'host' school have the option to rename the school to create a new identity for the merged schools.

This process would mean that the staff who are currently working at the closing school would be at risk of being made redundant, as merging/amalgamating the children may not result in new jobs being created in the host school. Firstly as stated earlier the parents may not choose to move their children to the host school therefore opportunities for additional roles in the host school will

only be known following completion of the schools admissions process. However, as part of the drive to avoid redundancies as much as possible, we are seeking to obtain agreement from the host school and the Hackney family of schools to support job opportunities for those staff at risk of redundancy.

2. Close a school and support all displaced children to access places in other local schools. This can take the form of a full and immediate closure or a 'staggered' closure.

A staggered closure option would cease the admission of children into reception each year until all remaining children have worked their way through to year 6, at which time the school would close. While this may be a less disruptive option for some families, it significantly increases the financial burden and further damages the quality of education at the school as pupils do not benefit from the mixing of year groups they would usually experience. Therefore full and immediate closures are recommended in this report.

Sustainability and climate change

- 10.9. The proposals in this report will lead to a more efficient use of school buildings. Running a higher number of school sites with fewer pupils is inefficient in terms of energy usage, as the buildings still need to be heated and lit. Reducing the number of buildings with surplus places will mean that the retained buildings will start working to their designed capacity in terms of number of occupants, both pupils and staff, leading to more efficient energy use instead of running a higher number of schools with fewer pupils.

11. Comments of the Interim Group Director, Finance

- 11.1. The potential closure and/or mergers will incur costs such as redundancies, site security, the write off of any school deficits and maintenance as well as other incidental costs. The overall costs of closure are estimated to be £3.5m, which includes £2.5m of one-off costs such as redundancy costs and deficit write-off and £1m of ongoing costs linked to site security and maintenance, until alternative use options are developed. (Appendix U) Redundancy costs have been calculated on the age and length of service of different staff groups and based on a number of assumptions, and there are risks that the final costs could be higher than estimated. These costs would fall on the Council's General Fund and the impact of these will need to be factored into the Council's financial planning.
- 11.2. The Dedicated Schools Grant (DSG) Schools Block, which is awarded to fund education provision, is primarily calculated using pupil numbers and pupil characteristics. Schools are funded on a formula basis and the number of pupils attending the school drives the level of funding received by a school. As such, schools with unfilled places are under increased financial challenge and struggle with financial sustainability. Reducing the number of school places in a planned way would support schools to manage within

their funding allocations. At a borough level, there is expected to be a minimal impact on the amount of the grant received as a direct result of the closure and/or mergers of the schools within this report. With a similar amount of income spread over a smaller number of schools, there may be a positive impact on the financial position of individual primary schools.

- 11.3. The future use of sites will be considered with their local geographical context in mind, the options for their future potential use will also be balanced against the broader financial pressures the Council faces in the medium term. Any future decisions for sites vacated would need to minimise the impact on the Council's overall financial position and the services we provide for our residents.

12. VAT implications on land and property transactions

- 12.1. No land or property transactions are being recommended at this stage. VAT implications will be considered if changes to the site usage in the future are proposed.

13. Comments of the Acting Director of Legal, Democratic and Electoral Services

- 13.1. Cabinet is being asked to determine proposals to make a significant change to one of its maintained schools by increasing its size to 2 forms of entry, and to close four others. Two mergers, or amalgamations of the student body are proposed. Only one of these requires an expansion of its published admission number. Officers working on the Education Sufficiency and Estate Strategy and falling rolls agenda have taken legal advice throughout the process.
- 13.2. Ensuring the sufficiency of school places, making significant changes to schools and closing schools require further consideration of the following:
- 13.3. S14 Education Act 1996 (EA 1996) imposes a duty on the Council to ensure the provision of sufficient schools for the provision of primary and secondary education in its area.
- 13.4. The Department of Education (DfE) publishes statutory guidance related to the legislation that empowers the Council to add a form of entry to a school and separate statutory guidance that empowers the Council to close a maintained school. These are "Making significant changes ('prescribed alterations') to maintained schools, Statutory guidance for proposers and decision makers, January 2023" and "Opening and closing maintained schools, Statutory guidance for proposers and decision makers, January 2023" respectively. These sets of guidance include statutory processes, guidance on consultation and guidance for decision makers when determining proposals.
- 13.5. Those making proposals to make significant changes to maintained schools or to close them must have regard to these sets of guidance. The proposed addition of a form of entry constitutes a significant change ("prescribed alteration") to a school.

- 13.6. s 1(1) Local Government Act 1999 imposes a duty on the Council to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The Council has fiduciary duties towards residents.
- 13.7. S149(1) Equality Act 2010 (EqA 2010) imposes the Public Sector Equality Duty (PSED) on the Council.
- 13.8. The PSED requires public authorities to have "due regard" to:
- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010.
 - The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that is connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.
- 13.9. The PSED should be considered at all levels of decision making. Cabinet will wish to consider the effect of these proposals on children with SEND as having the protected characteristic of disability and of children as having the protected characteristic of age, in, for example, regard to air quality.
- 13.10. In taking decisions the Council must act lawfully, including acting within its powers and following its own procedures as well as those required by law.
- 13.11. The Council must ensure that all required consultations are properly undertaken in accordance with relevant law and guidance. It must make rational, evidence based decisions, take into account all relevant considerations, act for a proper purpose, and be properly reasoned.
- 13.12. The Council is the employer of staff engaged at its community schools. It must take further advice to ensure compliance with employment law should staff become affected by these proposals.
- 13.13. Following determination of the proposals before Cabinet, the local authority should continue to seek detailed legal advice where required.

Appendices

- [Appendix A - Letter to Secretary of State DfE](#)
- [Appendix B - Equality Impact Assessment](#)
- [Appendix C - Demand for reception places](#)
- [Appendix D - Community queries and feedback March - May](#)
- [Appendix E - May 2023 Cabinet paper](#)
- [Appendix F - September 2023 Cabinet report](#)
- [Appendix G - Kwest report consultation findings for September cabinet decision](#)
- [Appendix H - Proposal to discontinue Randal Cremer Primary School under s15 of the Education and Inspections Act 2006](#)
- [Appendix I - Proposal to discontinue De Beauvoir Primary School under s15 of the Education and Inspections Act 2006](#)
- [Appendix J - Proposal to discontinue Baden Powell Primary School and amalgamate the student body with Nightingale Primary School](#)
- [Appendix K - Proposal to discontinue Colvestone Primary School and amalgamate the student body with Princess May Primary School](#)
- [Appendix L - Proposal to increase Nightingale Primary School from 1 form of entry \(1FE\) to 2 forms of entry \(2FE\)](#)

- [Appendix M - Kwest report statutory notice consultation findings](#)
- [Appendix N - Nearby school and vacancies - SES - November 2023](#)
- [Appendix O - Year R map](#)
- [Appendix P - Year 1 map](#)
- [Appendix Q - Year 2 map](#)
- [Appendix R - Year 3 map](#)
- [Appendix S - Year 4 map](#)
- [Appendix T - Year 5 map](#)
- [Appendix U - financial considerations](#)
- [Appendix V - Colvestone JR PAP of 11.09.2023](#)
- [Appendix W - response to PAP of 25.9.2023](#)
- [Appendix X - School Organisation Plan \(SOP\)](#)
- [Appendix Y - Education Sufficiency and Estates Strategy](#)

Exempt

None

Background documents

London Councils - Managing Surplus School places in London (2023)

<https://www.londoncouncils.gov.uk/our-key-themes/children-and-young-people/education-and-school-places/managing-surplus-school-places>

Public Version - Census 2021 Briefing 5: Ethnic Group, National Identity, Language and Religion

<https://docs.google.com/document/d/1wzarOaz1ac1qGtNxTpx82C2dceEQuzxJAUxFe0NV--o/edit#>

Hackney Air Quality Annual Status report
<https://hackney.gov.uk/air-quality-reports#repor>

The Council's [Air Quality Action Plan](#)

Report Author	David Court Interim Assistant Director, School Estate Strategy david.court@hackney.gov.uk 020 8820 7667
Comments for the Interim Group Director, Finance prepared by	Vernon Strowbridge Head of Education Finance vernon.strowbridge@hackney.gov.uk 020 8356 4543
Comments for the Acting Director of Legal, Democratic and Electoral Services prepared by	Lucinda Bell Education Lawyer lucinda.bell@hackney.gov.uk 020 8356 4527