

Title of Report	Education Sufficiency and Estate Strategy - falling rolls		
Key Decision No	CE S247		
For Consideration By	Cabinet		
Meeting Date	25 September 2023		
Cabinet Member	Councillor Anntoinette Bramble, statutory Deputy Mayor, Cabinet Member for Education, Young People and Children's Social Care		
Classification	Open with Exempt Appendix		
Ward(s) Affected	All		
Key Decision & Reason	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">Yes</td> <td>Significant effects on communities living or working in an area comprising two or more wards</td> </tr> </table>	Yes	Significant effects on communities living or working in an area comprising two or more wards
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Implementation Date if Not Called In	4 October 2023		
Group Director	Jacquie Burke, Group Director Children & Education		

1. Cabinet Member's introduction

- 1.1. As an Administration, and as Deputy Mayor, we are pleased with the improvement of Hackney's education system. Just 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 the results from recent pupil exams once again show. 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 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 and the Covid-19 pandemic. All of these factors have resulted in a reduction in demand for primary school places in the borough. This is no fault of the Council or our schools, and we remain committed to delivering over a thousand new council homes and more affordable family housing across 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. 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's educational system 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.
- 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 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 system 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 system pressure 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, 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 have been clear. 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.
- 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. 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. My colleague, Cllr Woodley, the Cabinet Member for SEND, has been working closely with me and the officers progressing this programme and in association with schools where necessary, and will continue to do so for the duration of this programme. We will be advocates for children with SEND, to ensure these children are supported as much as possible, 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.
- 1.10. We know that if the proposals are approved, this process 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 all 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 new sites to meet the aspirations of their 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.

- 1.11. 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 those in the borough who most need them - this starts with access to first-class education. And 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 begin to consider the difficult options outlined in this report.

2. Group Director's introduction

- 2.1. This report addresses the second priority of the Education Sufficiency and Estate Strategy (Appendix G), adopted by Hackney Council in February 2022, to seek viable sustainable solutions and work with existing primary schools with falling rolls. The information we have suggests there will continue to be falling rolls into the future. 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 proceed to publish statutory proposals to:

- 3.1. close De Beauvoir Primary School from September 2024.
- 3.2. close Randal Cremer Primary School from September 2024.
- 3.3. close Colvestone Primary School from September 2024, guarantee all children a place at Princess May Primary School if they want it.
- 3.4. close Baden Powell Primary School from September 2024, guarantee 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 decision 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 future, for the time we have forecasts for (see Appendix C).
- 4.2. 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. While primary schools' rolls are falling but the number of schools remains unchanged, there is effectively less financial resource across all schools. 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.
- 4.3. 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.
- 4.4. Despite removing 375 reception places 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.
- 4.5. Hackney Education's senior leadership team took the decision to propose closure/merger 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 appendices).

- 4.6. On 22 May 2023 Cabinet decided to proceed to consultation on all four proposals (The May cabinet paper is included as Appendix E). The 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.
- 4.7. Analysis of the consultation responses are summarised in this report and it is now recommended that Cabinet agree to proceed to publish statutory proposals 3.1 to 3.5 outlined above.
- 4.8. If Cabinet agrees to publication of these proposals, then there would be a period of at least 28 days for people to make representations on the proposals. The Council would collect in all representations received in that time, consider them, and then the final decision about whether to proceed with the proposed closures and mergers is scheduled for the Cabinet meeting in December 2023.

Previous consultation outcome

- 4.9. At the end of the previous consultation period, a total of 613 postal and online questionnaires had been received, and a further 9 responses were received by other routes.
- 4.10. Response to the proposals was overwhelmingly negative with 89% of respondees disagreeing with the proposals, 3% neither agreeing or disagreeing and 8% agreeing. That prior consultation process, outcomes and response is outlined in detail in section 6 below.
- 4.11. Despite this overwhelming opposition, it is nonetheless still recommended to Cabinet to proceed with publishing statutory proposals. This is for the reasons set out below.
 - On the best information available to us, there are **not enough children** in the borough and neighbouring areas seeking places at Hackney primary schools. All the reception places at all 58 primary schools in Hackney were required just 9 years ago to meet our statutory obligations and offer all residents a place. However rapid and sustained decline in the number of children joining our primary schools mean that they are no longer filling up.

Our schools currently have over 600 empty places in Reception classes alone (21% surplus) however the Council aims to have between 5 and 10% surplus. The number of children projected to need places in Reception over the coming years shows that, on the

projected figures we have, without reducing the number of schools in the borough, we will continue to have over 550 vacant spaces (20%+ surplus) until at least 2030. (section 4.12 below and Appendix C)

- High vacancy rates mean that **schools become financially unviable** over time. A school's funding is based on the number of children on roll, so schools with lots 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.

As an example, in 2022/23, for every surplus place that a maintained primary school carries, 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.

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. (section 4.14 to 4.12)

To avoid going into deficit, or to bring a school's deficit back under control, school governors 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. (section 4.33 to 4.36)

- 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. (section 4.26)

If the Council does not take action to reduce the number of primary schools 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.

The longer the Council delays taking action, the greater the financial burden it will inherit.

- **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 90 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.

On this basis 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%).

- It is believed that a **merger can deliver significant benefits**, if the council decides to proceed, from the proposed arrangements for pupils currently at Baden Powell to join Nightingale Schools, and those at Colvestone to join Princess May Schools, and would create stronger educational establishments in each case.

It is anticipated that the receiving schools in each case would 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.

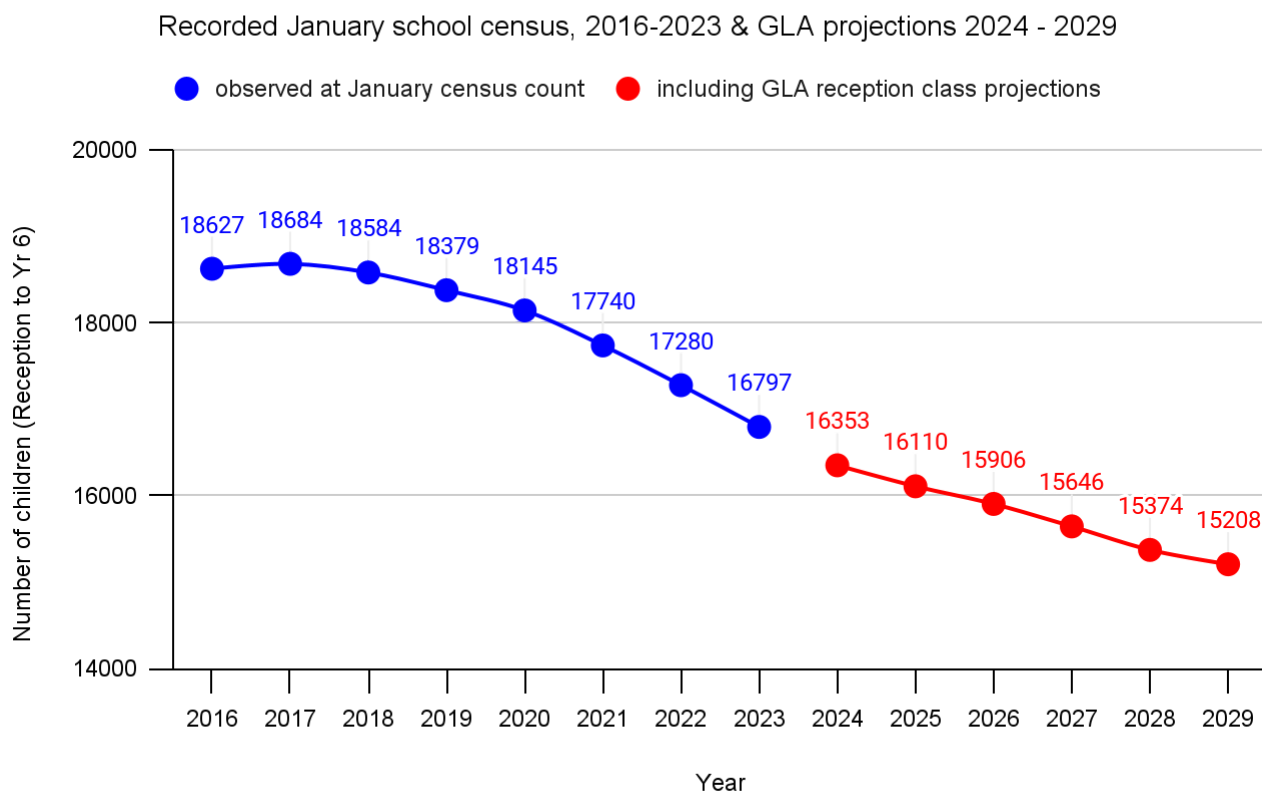
A larger student body can provide pupils with a more extensive and diverse peer group, promoting social skills and cultural awareness. It is believed the proposed mergers could, with the engagement of parents and school leaders, foster a sense of community among parents and pupils from both schools.

Falling pupil numbers

- 4.12. Figure 1 below shows the observed number of children in Hackney primary schools (in blue), down by 1,787 between 2018 and 2023. This reduced borough-wide roll means that in 2022/23, Hackney receives circa £11.5m less Dedicated Schools Grant (DSG)¹ Schools Block funding based on 2022/23 per pupil funding rates, compared with 2018/19.

¹ The dedicated schools grant (DSG) is payable to local authorities under section 14 of the Education Act 2002. Local authorities are responsible for determining the split of the grant between central expenditure and the individual schools budget (ISB) in conjunction with local schools forums. Local authorities are responsible for allocating the ISB to individual schools in accordance with the local schools' funding formula.

Figure 1. Observed and projected number of children in Hackney primary schools



- 4.13. Figure 1 also forecasts the total number of children in Hackney primary schools between 2024 and 2029 (in red) based on GLA’s projected number of reception joiners. An additional net loss of 200 children per year is factored into the projection on the basis that at least this number have left Hackney primary schools each year between 2019 and 2023.

Impact on school income

- 4.14. Individual primary school balances in Hackney stood at a total of £9.9m in 2020/21. They reduced in 2021/22 to £9.08m and then fell significantly to £5.8m in 2022/23.
- 4.15. The decline in school balances is a national issue as schools face increasing cost pressures and reducing numbers on roll. It is becoming extremely difficult for schools to remain financially viable when pupil numbers are falling as most school funding is pupil-based in line with the School’s National funding formula. Unused or vacant school places create an immediate cost for schools through reduced budgets, which in turn can affect the overall sustainability and quality of education standards at a school. As pupil numbers decrease, the majority of schools experience a less than full year group and, therefore, an inability to maximise the use of resources. 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.

- 4.16. Under legislation, schools retain a high degree of autonomy when setting budgets unless they are in a deficit position. Schools have been reminded of the need to forecast as accurately as possible so that decisions are taken in the light of accurate budget projections.
- 4.17. Schools in deficit are required to complete deficit recovery plans to bring their budget back into balance by elimination of the deficit within three years.
- 4.18. Currently, the four schools proposed to close have budgeted for a deficit/surplus position at the close of 2023/24 as follows:
- Baden Powell -£300k
 - Colvestone -£589k
 - De Beauvoir -£128k
 - Randal Cremer £189k
- 4.19. Princess May anticipates an in-year surplus of £34k, closing with a balance of £64k. Nightingale forecasts a break-even position at the close of 2023/24 ie maintaining their 2022-23 brought forward surplus of £138k.
- 4.20. The current financial status of Hackney's maintained primary schools is outlined in the table below.

School Name	Closing Balance 2022-23	Projected Closing Balance 2023-24	In-Year Movement
Baden-Powell	31,768	-300,820	-332,588
Colvestone	-561,646	-589,261	-27,615
Nightingale	138,116	138,716	600
De Beauvoir	140,418	-128,830	-269,248
Princess May	29,630	64,506	34,876
Randal Cremer	310,032	189,537	-120,495
Total of schools/federations in scope	88,318	-626,152	-714,470
Total of other schools/federations	5,711,697	3,266,450	-1,803,729
Grand Total	5,800,015	2,640,298	-2,518,199

- 4.21. More than two thirds of Hackney's maintained primary schools have budgeted for an in-year over spend at the end of the 2023/24 financial year. This trend is expected to continue as roll numbers continue to fall.

4.22. From this table it can be seen that one school proposed to close is particularly financially unsustainable: Colvestone, which ended the 2022/23 year with an extremely large deficit balance of £561,646.

In order to avoid unnecessary process duplication and to ensure efficient use of resources the council's finance department has not produced alternative financial modelling for Colvestone following the agreement with the school on the deployment of a SRMA (School Resource Management Adviser) report process. This was carried out by an independent SRMA.

Those in favour of keeping Colvestone open suggest the recent reporting supports a view that Colvestone can be financially viable in the future and has the capacity to pay down the deficit.

The local authority does not agree with this assessment, with a number of assumptions based on non-sustainable funding informing, and considers the school to be financially unviable. The SMRA expresses the view that the schools' "overall financial position is precarious. The school and SRMA have discussed potential ways the deficit could be reduced and the debt repaid to the Local Authority. School leadership has been and still is, very mindful of how efficiencies may impact pupil outcomes and teaching standards."

The SMRA's view is that it would be "extremely challenging" for the school to balance their budget and repay the current deficit over three/four years. They point out that "any chance of financial recovery heavily relies on strong incoming pupil numbers and current budgets are reliant on almost full cohorts of Reception children entering the school."

The local authority does not accept the statement made in the report that "the SRMA and school have discussed the pupil number forecasts with the LA, who advised that these numbers are not unrealistic." The local authority is firmly of the view that the projected number of children joining the school, on which the budget is based, are unrealistic. The budgets are based on 24 children joining reception in September 2023, 27 in 2024 and 30 in 2025. 14 children joined the school in the Reception class in September 2023.

The SRMA goes on to say "... it is evident that demand for Reception places is falling, with London Councils, the collective of London Councils, predicting a 12% decrease in demand for Reception places in Hackney between 22/23 and 26/27. Therefore, the forecasts may be unfeasible. The school can better gauge this once September 2023 numbers are confirmed."

The 3-yr projected budget produced by the Senior Leadership Team (2023/24 - 2025/26) submitted in May 2023 projects a growing deficit as follows:

Year	Projected In Year deficit	Projected Cumulative deficit
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2023/24	-27,615	-589,261
2024/25	-93,690	-682,951
2025/26	-110,540	-793,491

By the schools' own forecasts, despite an in year surplus in 22/23 of £28,319 (supported by a £50,000 mid year additional cash injection), they are unable to demonstrate capacity to address their outstanding deficit.

- 4.23. The Council's schools finance team monitors the finance and budgets of all locally maintained schools, and with schools such as Covestone, have regular finance monitoring meetings with the school leadership to review progress with the agreed licensed deficit recovery plan.
- 4.24. The Council has a responsibility to deliver Best Value, and continuous improvement through the efficient, effective and economic management of our school estate, whilst also ensuring that secure, sustainable and high-quality education is in place for the children and young people of Hackney now and into the future.
- 4.25. The Council is financially liable for maintained schools affected by falling rolls and they must act in a timely way to minimise the risk of schools going into or increasing deficits.
- 4.26. If a school closes the local authority meets the cost of any deficit balance from the General Fund. In the event of academisation, there are two scenarios: for convertor academies (those that voluntarily convert) the deficit is repaid to the local authority by the DfE and recouped from the academy; for sponsored academies (forced conversion due to the school being assessed as inadequate) the deficit remains with the local authority to be paid from the General Fund.

Schools with excess physical space and large sites

- 4.27. Many schools that have had their [published admission numbers](#) (PANs) reduced or capped to reflect falling demand (Appendix C, section 4) retain responsibility for the day to day repair, maintenance and securing the unused parts of their buildings and sites.
- 4.28. While reducing or capping PANs allows greater certainty when planning staffing budgets, the combination of reduced income and premises costs bring significant additional financial pressure to schools with significant unused physical space.
- 4.29. Staffing and delivery of education must be prioritised when budgeting with limited financial resources leading schools in these circumstances to underinvest in maintenance of their buildings. This can lead to significant longer term issues and increased need for capital funding to deal with a lack of maintenance.

Roll instability

- 4.30. Figure 1 above demonstrates the growing number of surplus places across all year groups which make it easier for families to move their children from school to school.
- 4.31. School admissions regulations protect parental preference and parent's right to move their child between schools if that is what they wish. This means that schools are obliged to admit children when they have spaces, regardless of whether they are able to meet the joining child's needs.
- 4.32. High levels of pupil mobility bring significant challenges for schools because inducting and supporting new children thoroughly calls on additional resources to support staff and teachers and is unsettling for existing students.

Quality of education offer

- 4.33. 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.
- 4.34. 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 involves a sufficiently experienced and able teacher being employed 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 grave financial pressure less attractive.
- 4.35. 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.
- 4.36. 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.

Impact of new housing and regeneration

- 4.37. 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.

- 4.38. Since 2011, the Council's in-house building programme has delivered more than 1,000 new homes, prioritising homes for Council social rent. Between 2018 and 2022, we started, completed or received planning permission for 1,984 homes – more than half being genuinely affordable. Over the next few years, we'll also complete 1,146 homes, including 255 social rent homes and 136 shared ownership homes, on the existing programmes of council homes.
- 4.39. This means that between 2022 and 2026, we'll start building, and support partners to build, 1,000 new homes for social rent through a mix of methods. In this context, the Mayor and Cabinet agreed, in December 2022, a direct programme of 400 additional new homes on sites we've identified via our HRA asset base; 75% of which are proposed for Council social rent.
- 4.40. 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 co-habiting, 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.
- 4.41. 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.'*
- 4.42. 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.

- 4.43. 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.**

Some points put forward against the proposal

- 4.44. Numerous points have been made against the proposals. The following summarises some of the principal points that have been made. It is not intended to be comprehensive. A fuller summary of the points made against the proposal is set out in Appendix S, which contains the summary of consultation responses.
- 4.45. It is said that local school communities are opposed to these changes.
- 4.46. The Council's forecast pupil numbers has been challenged. It is said that Colvestone has a stabilising roll. The Save Colvestone group submitted detailed information on projected in-year surpluses for future years. They also note the Colvestone 21st Century Street initiative, a short term / 1-2 year initiative to make Colvestone a permanent playstreet. It is said this may increase the number of families drawn to the area.
- 4.47. It has been said by some that Colvestone is financially stable, and that the previous consultation material did not provide financial information verified by a SMRA report showing Colvestone school to be financially viable. (This point is addressed at 4.22) It is also said that future housing development will increase numbers. Conversely, it is said that it is important to consider the potentially negative impact which these proposed school closures are likely to have on future housing provision and regeneration, such as in Dalston.
- 4.48. It is said that the Council's estimation of children who may move to Princess May School fails to take account of Colvestone's survey of parents, which indicate that many would not send their children to Princess May School. A separate concern has been raised that if fewer than the 120 projected children moved from Colvestone to Princess May, then Princess May may also be at risk of closure in the future; and may be so at risk even if 120 children transfer, as there would still be an approximately 23% vacancy at Princess May.
- 4.49. It is said by those opposed to the closure of Colvestone School that the air quality is significantly worse at Princess May School. Hackney's Air Quality Action Plan 2021-2025 identifies school communities as one of the most susceptible groups for air pollution. The Council considers that, although

there are slightly higher levels of air pollution at Princess May, both are within acceptable air quality limits.

- 4.50. Those in favour of keeping Colvestone open draw attention to the proportion of children on the SEND register at that school, which is higher than other schools. A concern was raised that the Council has not addressed Colvestone's record on SEND; and that that the School has implemented a SEND strategy with excellent feedback. It is also said that consideration should be given to the potential savings of Colvestone's integrated SEND provision, and its current surplus capacity, which it is said has the potential to save the Council money that it would otherwise have to spend in sending children with SEND to independent schools.
- 4.51. Those in favour of keeping Colvestone open also note its important history, as the last surviving Birkbeck School, which they say makes it a socially and historically important part of London and Hackney's past; as well as the Ridley Road market, which is a historic London market.
- 4.52. It was proposed that Colvestone has the ability to provide high quality education as a 1 form entry school on an "appropriately sized" site with all aspects of the site utilised and in a manageable condition; and that the school keeper's house could be used as an ARP.
- 4.53. Those in favour of keeping Colvestone open draw attention to the absence of risk assessment or costs of the size of schools, or comparisons of schools.
- 4.54. Questions were raised about Hackney Education's processes to ensure a school does not have a deficit and comments that issues were not raised in a remote audit. Respondents believe that Colvestone budgets are achievable and state that systems are in place to resolve historic debts; surplus has been achieved despite historic debts and again the respondents raise questions about the Hackney Education audit.
- 4.55. Those in favour of keeping Colvestone open claim that the school acts as a 'social binder' and closing it would damage the community, exacerbate exactly the kind of social atomisation and flight of families from the borough that the closure is meant to address. They claim closing the school threatens the mental wellbeing of children in particular, driving phenomena such as emotionally based school avoidance.
- 4.56. Respondents question why what is described as 'absolute faith' is being placed in GLA projections population figures when in 2017 the projections were wrong, and led to 'disastrous greenlighting of free schools' in the borough that 'largely produced the current problem'. They question why viable schools are not being supported through this period, particularly in Colvestone's case, given the scale of housebuilding projected in central Dalston.
- 4.57. Those in favour of keeping Colvestone open claim the consultation process has key flaws including it being said that-

- The consultation failed to follow the statutory guidance and estate strategy
 - A briefing report prepared for Cabinet was ill informed and lacking detail
 - Respondents claimed that they had been told the consultation was intended to help the Council determine whether to close the schools, but it was said that its design made it ineffective for that purpose
 - Respondents claimed that the consultation was inaccessible to some of the groups that should have been included
 - Respondents claimed that the consultation process itself damaged the financial viability of the schools in scope
- 4.58. Those in favour of keeping Colvestone open claim estimates of the costs associated with closing schools are inaccurate and fails to account for retention bonuses, the possibility of increased out-of-borough SEN provision, that estimates of redundancy costs are questionable and do not account for loss of revenue to the borough if families leave or go to free schools, academies or private schools.
- 4.59. It was claimed that the approach adopted to closure/merger is unusually aggressive, untested and the consequence unknown. They claim the council doesn't know how best to support staff, families and students and minimise damage to educational outcomes and that it can't predict what all the costs will be or how to design the process to minimise them.
- 4.60. It was claimed that Keeping Colvestone open is a win for the Council, showing the Council does genuinely listen to residents, is carefully considering which schools to close and was telling the truth when it said a decision had not been made.
- 4.61. It was claimed that Colvestone has a bright future in Hackney, that it has been an important part of this community for 161 years and with the Council's support it can continue to thrive as a key pillar of the community. They cite benefits of the school remaining open are:
- Ensures the provision of an academically strong, non-denominational, one-form entry community school for families.
 - Enables Hackney to recover Colvestone's budget deficit by allowing the school to pay it down over time.
 - Supports the future development of Hackney, attracting families to the new housing in the Dalston Plan and anchoring the borough's first 21st Century Street on Colvestone Crescent.
 - Preserves provision that reflects desires of Hackney residents, 84% of whom want non-faith education.
 - Provides strong SEND provision that can be expanded to meet the urgent need in the borough.
 - Saves the taxpayer the enormous cost of closing the school and of paying off the deficit.
 - Sends the message that the Council listens and does genuinely take the feedback of residents into consideration. It increases faith in the authenticity of the Council's consultation processes.

5. **Details of alternative options considered and not favoured**

Option 1 - No action

- 5.1. The Council has a responsibility to manage school places effectively, 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.
- 5.2. 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.
- 5.3. 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.
- 5.4. As outlined in section 4, 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 - Phase implementation of the current proposals over 2 or more years

- 5.5. 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.
- 5.6. 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 90 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.

- 5.7. 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.
- 5.8. 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.

- 5.9. 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

- 5.10. 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:
- 5.11. 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.
- 5.12. 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

- 5.13. Merging Colvestone and Princess May on the Colvestone site was suggested however this option was considered unfeasible 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 is expected to positively impact that schools' falling roll and unused capacity.
- 5.14. 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.
- 5.15. Merging De Beauvoir and Colvestone on the Colvestone site was suggested however, based on pupil numbers at the time, Colvestone appears to not be able 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.
- 5.16. 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 be school close as a

result of these proposals.

Option 6: Alternative options for Randal Cremer Primary

- 5.17. 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

- 5.18. 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.

6. Background

Policy Context

School Organisation Plan & Education Sufficiency and Estates Strategy

- 6.1. 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.
- 6.2. The School Organisation Plan (SOP) (Appendix F) is reviewed and updated annually and provides schools, governing bodies and the public with:
1. an overview of the educational provision on offer in Hackney;
 2. a summary of current pupil numbers and projected demand across the primary and secondary phases;
 3. the factors considered by Hackney Education when determining the need to increase or reduce school places;
 4. a summary of historic and planned primary school place reductions from 2019 to up until September 2023.
- 6.3. 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.
- 6.4. To best respond to the borough's school organisation challenges Hackney Education has developed The Education Sufficiency and Estates Strategy

(Appendix G) approved at Cabinet on 28 February 2022, a 10 year, medium to long term strategy, to consider how best to resolve four priority issues:

1. the significant increase in demand for SEND education provision
2. falling primary mainstream school rolls
3. the projected fall in secondary mainstream school rolls due to a declining primary roll
4. a long term sustainable use plan for all education sites in the borough.

6.5. 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.

6.6. 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.

Merger/amalgamation and closure of schools

6.7. 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.

6.8. 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.

6.9. 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.

Equality impact assessment

- 6.10. Hackney's Education Sufficiency and Estate (ESE) strategy, agreed at Cabinet in February 2022, is a 10 year plan with four strategic priorities. Priority 2 is to work in partnership with mainstream primary schools whose rolls are falling to seek viable solutions. In May 2023, the cabinet agreed to consult on proposals to amalgamate/merge or close six schools in Hackney.
- 6.11. The Council has a statutory duty to ensure there are a sufficient number of school places for pupils and that places are planned effectively; surplus places should be between 5-10%. Despite removing 375 reception places 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.
- 6.12. 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.
- 6.13. 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.
- 6.14. 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.)
- 6.15. In addition to protected characteristics, Hackney also considers disadvantages for people by socio-economics and identifies other priority groups, for example, children in care and single parents.
- 6.16. The Equalities Impact Assessment (Appendix B) details Hackney's protected characteristics profile, risks, impacts and mitigations if a decision is made to reorganise schools.
- 6.17. If the decision is made to either close or merge schools, pupils at the schools affected will be supported to move to a neighbouring school during the Summer Term of 2024. There are sufficient school places in the areas where the schools are affected to accommodate all children. The Local Authority has chosen amalgamation/merger sites that are close walking distance to the original schools, to ensure travel times don't exceed the statutory walking distance requirement of 2 miles or under. This will also ensure that pupils stay in areas that they are familiar with. Should parents choose a different school closer to their home, the Local Authority will support them with this.
- 6.18. The Local Authority will ensure that children with SEND are placed in appropriate settings to minimise disruption.
- 6.19. None of the schools that are being considered during this phase are faith schools, however should parents wish to enrol their child in one of these schools we will work with the Diocesan Board to accommodate this wish.

Sustainability and climate change

- 6.20. 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.

- 6.21. The Council is committed to fulfilling the manifesto pledge, taking all schools onto a pathway to Net Zero Carbon (NZC) by 2026 and achieving NZC by 2030.
- 6.22. The schools currently in scope remain in focus for the NZC commitment. In the event a school site should be no longer required, the Council will undertake an Asset Review identifying the optimum short and long term future solutions. In doing so the Council will seek to provide environmental and sustainability measures to achieve measurable decarbonisation of the site. This will include minimising energy consumption through a period of transition, developing a bespoke NZC solution for future use and occupation of the site.

Parental Choice

- 6.23. 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.
- 6.24. 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.
- 6.25. 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.

Impact of the proposals on pupils

- 6.26. The reported number of pupils (at September 2023) in schools proposed to close is shown below by year group. It is expected that numbers will change, likely to reduce between now and the final Cabinet decision, and during the implementation period following any Cabinet decision to proceed with the proposals.

School	R	1	2	3	4	5	6	Total
Baden Powell School	20	19	19	28	25	25	27	163
Colvestone Primary School	14	16	24	26	12	13	16	121

De Beauvoir Primary School	6	7	8	8	10	10	17	66
Randal Cremer School	17	16	22	18	24	21	34	152
Grand Total	57	58	73	80	71	69	94	502

6.27. In October 2022 Hackney primary schools were carrying 4,685 vacancies across all year groups. 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 H - Nearby schools and vacancies - SES - August 2023)

6.28. Mapping of children affected by the proposals 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. 2 miles for primary aged children). 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 I - O (There is one map provided for each year group addressing all schools)

6.29. There are sufficient alternative places for children attending nursery classes in schools proposed to close. The table below shows the approximate number of unfilled places based on Spring 2023 census data.

School	Children in the nursery class	Unfilled places in the four nearest schools
Baden Powell	9	40
Colvestone	6	37
De Beauvoir	15	40
Randal Cremer	18	50

6.30. The number and percentage of children (Reception to Yr 6) with Education, Health and Care Plans and requiring SEN 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 SEN support	% of pupils with SEN 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

6.31. 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.

6.32. The Council acknowledges the excellent support provided by Hackney schools for children with SEND and particularly 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 will be unable to continue to provide the same level of support without exhausting contingency funds or going into deficit.

Impact of the proposals on current enrollment

6.33. The Council understood that roll numbers at schools proposed to close could be negatively affected as proposals were publicised and consultation progressed.

6.34. The following table compares roll numbers at schools proposed to close between the autumn census and the start of the 23/24 academic year.

School	Autumn census (Oct 2022)	Start of 2023/24 (as reported by schools)	Change
Baden Powell	163	163	0
Colvestone	137	121	- 16
De Beauvoir	117	66	- 51
Randal Cremer	241	152	- 89

6.35. 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.

6.36. The Council acknowledges the uncertainty parents are facing and it is a

decision to be taken by each parent individually about whether they act now in anticipation of a decision to close their school or wait until after the final decision. The admissions team will support families via existing In Year admissions systems but has not directly advised parents to act either way.

Impact of the proposals on staff

6.37. 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.

6.38. 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 31/08/2023).

School	Teachers	Support staff	Total
Baden Powell	13	22	35
Colvestone	10	8	18
De Beauvoir	8	11	19
Randal Cremer	18	31	49
Total	49	72	121

6.39. 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, which the Council hopes would be managed through voluntary redundancies and retirements.

6.40. 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.

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

6.42. 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.

Consideration of pre-consultation community engagement

6.43. Following engagement with head teachers and chairs of governors from January 2023 the proposals were publicly launched on 28 March 2023 and

early school community engagement activity was undertaken with staff and parents in April 2023.

- 6.44. Comment and feedback received during this period of engagement was considered by Cabinet on 22 May 2023 when taking the decision on whether to move to informal consultation and is provided with this report in Appendix D for the consideration of decision makers.
- 6.45. The comment and feedback received at this early stage is not formally included in the following consultation analysis however, as all the key themes from this early engagement were raised again during the consultation, they are addressed in the response and commentary in this report.

Consultation Summary

- 6.46. On 22 May 2023 the Council's Cabinet decided to proceed with consultation on proposals to close and/or merge six primary schools. The six week consultation period aimed to gather feedback on the proposals not just from parents and staff of the schools in scope, but also from wider categories of stakeholders that may be impacted by the decisions.
- 6.47. The consultation asked respondents to share their views on the proposals. Respondents were asked to what extent they agreed or disagreed with the proposals and were given the opportunity to offer further comments on the proposals.
- 6.48. Hackney Council commissioned Kwest Research to analyse and report on the results of individual paper and online forms returned during consultation. The findings and report are available in Appendix P. Raw data submissions and all comments can be seen in Appendix Q.
- 6.49. Additional responses received during the consultation, not submitted through the consultation form, have been collated by Hackney Council in a separate report available in Appendix R along with responses and comments shared during consultation events.
- 6.50. At the end of the consultation period, a total of 613 postal and online questionnaires had been received, and a further 9 responses were received by email (sent to school.sufficiency@hackney.co.uk), Council members and the Mayor's Office.
- 6.51. We have sought to include all comments and representations about these proposals so that they can be considered by decision makers at all stages. We have also included comprehensive and accurate summaries of this information.
- 6.52. The local authority's detailed **responses to consultation feedback** are provided in Appendix S for the decision maker's consideration.

Analysis of consultation feedback

- 6.53. Consultation feedback submitted on citizen space and printed questionnaires has been analysed and reviewed by independent third party Kwest (Appendix P).
- 6.54. Additional responses to the consultation were received by email, sent to school.sufficiency@hackney.gov.uk, Council members and the Mayor's Office. The comments in the additional responses (Appendix R) have been classified in line with Kwest's qualitative analysis classifications.
- 6.55. Parents and carers were invited to attend workshops at each of the schools to provide an opportunity to ask questions about the consultation proposals. Workshops were developed in partnership with school leadership teams and were adapted to meet the needs of each school community. Schools were asked to identify the language support needed for each event and interpreters were provided at the events to support parents and carers who speak English as an additional language and who may need additional support to engage with the consultation. Notes taken at these events are included in the Additional Responses and Engagement Workshops feedback and summary (Appendix R).

Consultation methodology & engagement approach

- 6.56. The consultation ran for 6 weeks in total, from 5 June to 16 July 2023. The consultation was published on Citizen Space, the Council's engagement platform. The consultation was open to all Hackney residents. Parents and carers of pupils and staff at each of the six schools were directly informed of plans to consult by letter and were provided with printed consultation documents and questionnaires. In addition to the consultation questionnaire, parents and carers were invited to attend workshops at the schools.
- 6.57. The Council sought to include all parents and carers of all affected schools by devising and providing each school with comprehensive and accessible information about the consultation.
- 6.58. The Council worked with the schools to tailor workshop events to best meet the bespoke needs of the parents/carers of children at each school, to ensure, to our best endeavours, that none were disadvantaged and all could engage in the consultation. Each school had access to a parent and carer engagement toolkit which included an audit, action plan, tools, etc. and targeted support from the Council's Parent Carer Engagement System Leader to maximise parent/carers engagement in the consultation.
- 6.59. The Council's Parent Carer Engagement System Leader worked with individual schools to identify any potential barriers to engagement and to ensure that these were removed as far as possible. The Parent Carer Engagement System Leader liaised with schools about the need for creche provision; to discuss workshop format, timing and whether the workshops would be delivered in person or virtually; how to have less talk and more

time for questions; to set up drop ins at end of the session; interpreters; and best methods for engaging. Support was offered to schools in developing these workshops. The needs of parents/carers at each school were identified and arrangements made to address these, to the best of the Council's abilities.

- 6.60. In most cases schools have arrangements for assisting parents with English as an additional language. Those that require it are assisted by friends or relatives and in some cases staff. The Council also supported schools in meeting needs relating to language by offering invitations to the workshops in languages requested by the schools and providing interpreters in those requested languages at the workshops. The Council decided, having considered alternative methods of support, time and cost, that this was the best option available to ensure that parents and carers with insufficient English language were not excluded.
- 6.61. Other stakeholders, internal audiences and local residents were informed about the consultation and invited to take part through a variety of methods, including [website updates](#), letters and emails to schools, partner organisations, newsletters, social media posts, a press release, an article in Love Hackney (distributed to 120,000 homes and businesses in Hackney), [a leaflet](#) distributed in print and electronic format (sent to internal and external staff, members, school governors, children centres, nurseries, childminders, libraries, adventure playgrounds etc.)

Pupil voice

- 6.62. Inclusion of pupil voice was given careful consideration in order to ensure an age appropriate and proportionate approach. The Council liaised with and agreed to be led by schools as to if, when and how pupil voice would be collected. This acknowledged the potential impact on children and young people's wellbeing, the practical logistics of the Council seeking their views directly, without school involvement, and the breadth of opinion among schools about when and how pupil voice should be obtained. This approach recognised that school based personnel were best positioned to progress any form of dialogue with the children at their school regardless of the context.
- 6.63. Some schools said that it was appropriate to deal with this in circle time or assembly while others did not feel that the Council directly approaching pupils was appropriate. In some cases the school's leadership indicated that they did not want to capture pupil voice until a decision was made. The views of children and young people that have been shared with the Council are attached for consideration in the Additional Responses and Engagement Workshops feedback and summary (Appendix R).

Staff engagement

- 6.64. Staff at each of the six schools were directly informed of plans to consult by letter and were provided with printed consultation documents and questionnaires.
- 6.65. In addition, at the request of schools, in person meetings were convened during July 2023 at all schools. Human Resources staff and Trade Union Officials attended meetings with staff to discuss how the proposals may impact them should they be approved by Cabinet in December 2023.
- 6.66. Should the decision be made to close/merge/amalgamate schools, a detailed support package will be rolled out including practical outplacement support such as CV writing, interview skills and potential job opportunities in other Hackney Schools. A particular emphasis will be rolled out for support staff in schools many of whom are Hackney residents.

Next steps

- 6.67. If a decision is made by cabinet in September to progress statutory notice, the timeline will follow as below:

Date	Event
September 2023 <i>Cabinet Decision 2</i>	Feedback from the previous consultation considered by the Cabinet who will decide whether to publish statutory proposals.
October-November 2023	The Council publishes statutory notices of their intention to amalgamate/close the schools. This triggers a 28-day 'objection period' for those who object to the proposal to send their objections to the Council.
December 2023 <i>Cabinet Decision 3</i>	Response during the statutory objection period is considered by the Cabinet, who makes the final decision to proceed or not with mergers and/or closures.
January-August 2024	School merger and closure arrangements are made (subject to Cabinet's decision in December 2023). Schools in scope officially close. Community engagement begins to explore future use of vacated school sites.
September 2024	Children begin at the new schools.

Approximate dates subject to change depending on the progress

Risk Assessment

6.68. 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 4.11, 4.14 to 4.26), reputational damage and risk to quality of education (highlighted in sections 4.33 to 4.36).</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 6.67 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 moves to the Office of the Schools Adjudicator</p> <p>If proposals are progressed and the statutory representation period is triggered, subsequent failure to take a decision within two months of the end of the statutory representation period would see the decision revert away from Cabinet to The Office of the Schools Adjudicator.</p>	<p>Decision makers are made aware and reminded of timeline dependencies and impact.</p>
4	<p>Impact of proposals on schools proposed to close/merge.</p> <p>Pupils and staff leave schools proposed to close/merge following decisions and prior to July 2024 (highlighted at 6.33 to 6.36) 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 brings additional pressure as rolls and funding continue to fall.</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</p>

		(further information can be found on the Local Offer.)
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>

7. Comments of the Interim Group Director, Finance

- 7.1. 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. 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.
- 7.2. 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.
- 7.3. 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.

8. VAT implications on land and property transactions

- 8.1. 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.

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

- 9.1. Cabinet is being asked to publish 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 amalgamations of schools are proposed and one of these does not require an increase to admissions. Officers working on the Education Sufficiency and Estate Strategy and falling rolls agenda have taken legal advice throughout the process.
- 9.2. Ensuring the sufficiency of school places, making significant changes to schools and closing schools require further consideration of the following:
- 9.3. 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.
- 9.4. The Department of Education 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 "Opening and closing maintained schools, Statutory guidance for proposers and decision makers, January 2023" and "Making significant changes ('prescribed alterations') to maintained schools, Statutory guidance for proposers and decision makers, January 2023". These sets of guidance include statutory processes, guidance on consultation and guidance for decision makers when determining proposals. Those making proposals to make significant changes to maintained schools or to close them must have regard to the relevant guidance. The proposed addition of a form of entry constitutes a significant change ("prescribed alteration") to a school.
- 9.5. 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.
- 9.6. S149(1) Equality Act 2010 (EqA 2010) imposes the Public Sector Equality Duty (PSED) on the Council.
- 9.7. 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.

9.8. The PSED should be considered at all levels of decision making.

9.9. 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.

9.10. 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.

9.11. The Council is the employer of staff engaged at its community schools. It must take further advice to ensure compliance with employment law if staff become affected by these proposals.

9.12. Following publication of any proposals, the Council should continue to seek detailed legal advice where required, for example in relation to; the requirements of the PSED, closing and making significant changes schools), consultation, commissioning, employment and procurement questions.

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 - School Organisation Plan (SOP)
- Appendix G - Education Sufficiency and Estates Strategy
- Appendix H - Nearby school and vacancies - SES - August 2023
- Appendix I - Year R map
- Appendix J - Year 1 map
- Appendix K - Year 2 map
- Appendix L - Year 3, map

- Appendix M - Year 4 map
- Appendix N - Year 5 map
- Appendix O - Year 6 map
- Appendix P - Kwest report consultation findings
- Appendix Q - Raw data submissions all comments on consultation
- Appendix R - Additional Responses and Engagement Workshops
- Appendix S - LA responses to consultation feedback

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>

Report Author	Name David Court Title Interim Assistant Director, School Estate Strategy Email david.court@hackney.gov.uk Tel 020 8820 7667
Comments for the Interim Group Director, Finance prepared by	Name Naeem Ahmed Title Finance Director Email Naeem.ahmed@hackney.gov.uk Tel 020 8356 7759
Comments for the Acting Director of Legal, Democratic and Electoral Services prepared by	Name Lucinda Bell Title Education Lawyer Email lucinda.bell@hackney.gov.uk Tel