

EXECUTIVE DECISION CALL-IN REQUEST

Part Four, Section E Council's Constitution

Key decision reference number	CE S283
Decision title	Education Sufficiency and Estate Strategy
Date of decision	11 December 2023
Decision maker	Cabinet
Date of publication of decision	11 December 2023

<p>Are you requesting a call-in of the entire decision, or part of the decision.</p> <p>If you are requesting a call-in of part of the decision only, please explain which part.</p>	<p>Cabinet agree to:</p> <p>3.1 close (discontinue) De Beauvoir Primary School from September 2024</p> <p>3.2 close (discontinue) Randal Cremer Primary School from September 2024.</p> <p>3.3 close (discontinue) Colvestone Primary School from September 2024, guaranteeing all children a place at Princess May Primary School if they want it.</p> <p>3.4 close (discontinue) Baden Powell Primary School from September 2024, guaranteeing all children a place at Nightingale Primary School if they want it.</p> <p>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.</p> <p>We are calling in decision 3.3 and 3.4 regarding Colvestone Primary School and Baden Powell Primary School.</p>
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In accordance with [Part Four, Section E](#) of the Council's Constitution, the power to call-in an executive decision should only be used in exceptional circumstances in a number of circumstances specified in paragraph 1.2 of that Section.

A request for a call-in must be made within **5 working days** of the decision being published.

Upon receipt of the completed call-in request form, the Monitoring Officer will assess whether the request meets the requirements for call-in. The Monitoring Officer's decision is final, although there is a presumption in favour of the request being valid.

Pending consideration by the Monitoring Officer, the decision is suspended and no action may be taken upon it. If the Monitoring Officer determines that the call-in is valid, the decision will remain suspended until consideration of the call-in has taken place.

The completed request form will be published as part of the report to the Scrutiny Panel, alongside a copy of the report relating to the called-in decision.

Which of the following circumstances for call-in, specified in the Council's Constitution, do you believe applies to the decision in question (please mark with an 'X' in the relevant box):

The decision-maker did not make the decision in accordance with the principles of decision-making, namely:

1. Proportionality (i.e. the action must be proportionate to the desired outcome).
2. Due consultation and the taking of professional advice from officers.
3. Respect for human rights.
4. A presumption in favour of openness.
5. Clarity of aims and desired outcomes.
6. Relevant matters have been ignored.
7. Consideration and evaluation of alternatives and reasons for decisions.
8. Due regard to the statutory framework, guidance and Codes of Conduct.

Please list those which apply:

2. Due consultation and the taking of professional advice from officers.
 5. Clarity of aims and desired outcomes.
 7. Consideration and evaluation of alternatives and reasons for decisions.

The decision maker did not act in accordance with the Council's policy framework.

Article 4.7 of the Council's Constitution provides that the following documents comprise the Council's policy framework:

- Local Transport Plan
- Local Development Framework documents
- Local Area Action Plans
- Licensing Statement
- Gambling Statement
- Crime & Disorder Reduction Strategy
- Youth Justice Plan
- Strategic Plan

- Housing Strategy
- Equalities Statement

The decision maker did not act in accordance with the Council's budget.

The decision maker failed to consider relevant evidence when making the decision.

The decision would not be in the interests of the borough's residents and a preferable alternative decision could be adopted.

If you believe that the decision-maker did not make the decision in accordance with the principles of decision-making, please provide details of why you consider this to be the case.

2. Due consultation and the taking of professional advice from officers.

The approach taken has undermined the consultation as the early announcement of the schools "at risk" made schools vulnerable, as high numbers of families transfer their children to alternative schools. For instance, De Beauvoir had 118 pupils in Jan 2023 but this has dropped to just 48 pupils by November 2023.

There has also been no information about the decision for some children to have guaranteed places (together as a school) and others did not.

There have been three engagement/consultation periods as part of this process and the responses have been overwhelmingly against the proposals. Most recently these were analysed and presented to the council by a commissioned organisation, Kwest.

However, none of the feedback has impacted the proposal or the decision.

No information has been provided about how the consultation was going to be used and how stakeholders could provide information which might influence the decision.

Therefore, due consultation has not been undertaken.

5. Clarity of aims and desired outcomes.

The stated aim of these proposals is to bring surplus vacancies towards a target level of 5-10% based on initial data of 600 surplus Reception places (21%) in January 2023. The May Cabinet report states that it will remove 135 Reception places. However it fails to acknowledge a number of key issues;

- Schools are reducing surplus places by unofficially capped their Published Admissions Numbers (PAN) to respond to falling rolls and to avoid financial deficits. November vacancy data shows that surplus Reception places has already reduced to 439 places but the report still focuses on the formal PAN figures.
- 134 of the vacant Reception places (31% of the whole amount) are in just eight faith schools but no faith schools were in scope - the target cannot be achieved without addressing this and the Council does have the power to close these schools if it wants to.
- The proposed closures have limited impact on surplus spaces as schools in scope have already capped their PANs - the closure of these four schools actually means a further reduction of just 60 places.

A cost-benefit analysis has been requested and not provided.

Different criteria have been used to make and justify the decision for each setting and this has not been consistent or in line with the stated aim e.g. historic debt, falling role, rationalising school estate.

The stated desired outcome of two school mergers has subsequently been revealed as an impossibility and in fact this framing of a merger confused the process and the consultation and gave false hope to staff and parents that staff would be carried over into the absorbing schools.

The PAN is 30 for Baden Powell and 30 for Nightingale. The May Cabinet report states that the amalgamation of these two schools would reduce overall PAN by 30 places. However, if two single-form schools amalgamate into one two-form school then there is no reduction in overall places. This is acknowledged in the September Cabinet report as the PAN for Nightingale increases from 30 - 60 so no overall reduction.

7. Consideration and evaluation of alternatives and reasons for decisions.

We understand that a long-list of schools was under consideration but only the short-list was published and put to consultation. Bringing parents and the community in earlier, to discuss the long-list would have included all stakeholders in the decision making process and helped the council to protect the things important to residents. We appreciate that this approach is not available now given where we are in this process but we'd like to see this considered for any future decisions regarding school closures.

The consideration and evaluation of alternatives has been limited throughout this process. The decision regarding the four schools was initially presented as one decision with very limited information about why these schools had been chosen, particularly why the particular 'mergers' were being proposed.

There was no analysis or alternatives considered on a school by school basis during the consultation, and there has been no account of any context-specific issues.

The September Cabinet report highlights a small number of alternatives that were considered for each school in scope and the reasons for their dismissal. However, it acknowledges that pupil numbers have changed and that options that were dismissed are now viable but this is then rejected on financial grounds (even though financial projections are based on pupil numbers). The report additionally adds that 'Amalgamating into a one form entry school is not financially preferable.' No financial grounds for this new claim are offered, nor is a rationale for the prejudicing of single form schools in the Council system supported by the Estate Strategy.

During the consultation periods, a number of alternative options were suggested but not considered, explored or adequate responses provided for their dismissal:

- To close and guarantee places at different schools
- Use spare space to develop a SEN unit to expand the school
- Enact substantial efficiency savings identified in the independent School resource

	management advisers (SRMA) commissioned by Colvestone.
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<p>If you believe that the decision-maker did not act in accordance with the Council's policy framework, please list which of the documents from within the framework you consider to be relevant and why you consider that the decision-maker has not acted in accordance with it / them (providing page / paragraph references where possible).</p>	N/A
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<p>If you believe that the decision-maker did not act in accordance with the Council's budget, please provide details of why you consider this to be the case.</p>	N/A
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<p>If you believe that the decision-maker failed to consider relevant evidence, please explain what evidence you believe has not been considered.</p>	<p>PAN versus capped data</p> <p>The December Cabinet report concludes that there are sufficient vacancies across the borough to accommodate pupils from the four schools to close. However, the analysis is based on the official PAN not the capped PAN which is the vacancy information that parents looking for alternative places actually receive.</p> <p>The four proposed school closures are concentrated in central/south west Hackney, with pupils competing for the same places in an area where two larger schools (Holy Trinity and Princess May) have both unofficially capped their PAN from 60 to 30. A detailed analysis of the vacancies for each of the proposed school closures shows that these proposals are forcing parents in this area to make very difficult decisions.</p> <ul style="list-style-type: none"> - Some schools in the area have very few vacancies so families with children in different year groups cannot get in. - Many of the vacancies are at faith schools which many families are not choosing
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(evidenced by falling demand and a Council survey).

- Some of the closest schools with vacancies are out of borough in Islington or Tower Hamlets.

The current proposal to close Colvestone and guarantee pupils a place at Princess May is flawed. The aim is to reduce PAN from 90 to 60 (PM is 60 and Colvestone is 30) by closing Colvestone. However, Princess May has unofficially capped their PAN at 30 already so the closure of Colvestone will not reduce overall PAN any further. This proposal will force Princess May to accept an unknown number of pupils, which will destabilise their new one-form financial model. Even if all Colvestone pupils transferred, it would not be a full two-form school so would have to introduce vertical groups and mixed classes. Under the current criteria for school closures, it would be under-subscribed creating a similar environment to the ones the council is directly trying to avoid with these proposals and may be at risk again in the future (potentially affecting families for a second time).

Further, Hackney Education is the authority that can set PANs for Local Authority schools (with limited consultation: the raising of Nightingale Primary School's PAN from 30 to 60 was added to this consultation at the 'Formal Consultation' stage without pre-announcement).

Deeds

Hackney Council has not released the historic deeds for the Colvestone buildings (despite FOI requests) that it is believed contain covenants that would greatly restrict the re-purposing (and potentially, ownership) of the buildings were the school to be closed. This due diligence is required before the decision proceeds.

Dalston plan - homes being built in the area

As stated on the council's website (<https://hackney.gov.uk/dalston-spd>) "This draft Plan...sets out how, over 600 new homes, 700sqm of community space and 14,000 sqm of commercial and workspace (including retail and office space) can be delivered across 10 sites in Dalston."

When asked what impact this will have on the number of children in Dalston, the council has stated it will have 'no impact' on medium to long term demand without providing any analysis or workings for this assumption.

Using figures from the Council's published housing volume and mix data for the Dalston Plan sites and the GLA's population yield calculator / data sets: the development is projected to bring 100 children of primary school age (and 150 aged 0-4 downstream) to the centre of Dalston in the short to mid-term.

For all of these major sites, Colvestone is the nearest primary school provision. This far exceeds the claimed 'no impact' on medium to long term demand claimed in the Council's consultation documents, and is clear evidence of the 'future demand for places' that is the Statutory consideration for closing or maintaining Local Authority schools.

Note: Any housing market assessment using solely GLA housing projections will not reflect any impact of the Dalston plan as the developments have not passed planning (the criteria for inclusion) even though the plan (LP33) has been adopted by Hackney Council.

The Colvestone Story

After a period of instability, Hackney Education supported Colvestone to enter into partnership with Blossom Federation in August 2022. The successful arrangement saw a rapid improvement in all areas: leadership; new website; quality of education; financial management and more attractive interior. Hackney Council have also invested nearly £1m in the school building with complete transformation of the grade II listed railings in front of the school and roof repairs. Colvestone now looks amazing but for many months the building was surrounded in scaffold, with temporary fencing at the front and the beautiful School Hall was not in use for nearly two years.

Unfortunately these changes all occurred in Winter 2022/23, whilst parents were viewing and choosing primary schools so the Reception preferences for Colvestone for September 2023 were low.

	Council data also appears to show that Reception numbers in 2023 were further suppressed by the misallocation of non-preference places.
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<p>If you believe that the decision is not in the interests of the borough’s residents, please explain why you consider this to be the case.</p>	<p>The December Cabinet report concludes that there are sufficient vacancies across the borough to accommodate pupils from the four schools to close. However it acknowledges that they make a number of assumptions:</p> <ul style="list-style-type: none"> - They keep using ‘statutory walking distance’ which is 2 miles for children aged 5 - 8 and 3 miles for children aged 8+. However this is guidance on when to provide free school transport - not the basis on which to decide what is an appropriately ‘local’ school. This is clearly not within the best interest of residents as it will make the journey to / from school and therefore the school day more difficult for families. - There is no obligation to provide a range of schools so it does not matter what type of school has vacancies. This does not take into consideration what is important to families (such as one-form entry, secular schools).
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<p>If you believe that a preferable alternative decision could be adopted, please explain what you consider that preferable alternative to be.</p>	<p>Retain Colvestone Primary School so that the school is able to take in children from other schools and is given the opportunity to exhaust all options:</p> <ul style="list-style-type: none"> - Efficiencies identified from SRMA - Time for the improvements (the hall being open, new technology, £1m investment into exterior) to attract families - Continue the transformational and committed partnership with Blossom Federation <p>It would maintain a school in a historic Grade ii listed building, which is a cornerstone of St Marks Conservation Area and identified as key infrastructure in the Dalston Plan and a core element of the 21st Century Street on Colvestone Crescent.</p> <p>Pause and review the closure of Baden Powell and Colvestone Schools, looking at the wider picture and involving parents and staff of other schools that may come into scope at an earlier stage.</p>
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<p>Please provide any other additional information you</p>	
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would like to submit in support of the call-in (please note that this additional information must relate to the reasons under which a call-in can be made).

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Details of Councillors making the call-in request (unless otherwise indicated, the first Councillor listed will be taken to be the 'lead requester')

Councillor Zoë Garbett
Councillor Alastair Binnie-Lubbock
Councillor Grace Adebayo
Councillor Simche Steinberger
Councillor Hershy Lisser

In the event that the request is determined to be valid by the Monitoring Officer, does the lead requester wish to make a statement or representation at the meeting when the call-in is considered by the Scrutiny Panel? [please select an option from the drop down list]

Yes

Date: 18 December 2023

Once completed, this form should be returned to the Council's Monitoring Officer - monitoringofficer@hackney.gov.uk