



City of Westminster

Cabinet Member Report

Meeting or Decision Maker:	Cabinet Member for Young People and Learning
Date:	15/02/2022
Classification:	General Release
Title:	Decision report following the 4-week formal statutory notice consultation period on a proposal to amalgamate Westminster Cathedral and St Vincent de Paul RC Primary Schools with effect from 1 September 2022
Wards Affected:	Not all wards – Tachbrook and Vincent Square
City or All/Policy Context:	Vibrant Communities: Children and young people to have the best start in life, be well cared for and attend excellent schools that promote achievement
Key Decision:	Key Decision (entry made on Forward Plan 14/01/2022)

Financial Summary:

Estimated cost to the Council of up to £400,000. This is not chargeable to the Dedicated Schools Grant.

Report of:

Sarah Newman, Executive Director of Children's Services

1. Executive Summary

- 1.1 This report informs the Council of the outcome of the four-week period of public representation in response to the statutory notice on the proposal for the amalgamation of Westminster Cathedral and St Vincent de Paul RC Primary Schools. This would create a one form entry school at the St Vincent de Paul RC Primary site and Westminster Cathedral RC Primary School would be discontinued. Children at both schools will have a guaranteed place at the amalgamated school. It recommends that the Cabinet Member for Young People and Learning decides whether or not to proceed with plans for the amalgamation that would take effect from the 1st September 2022. Westminster Cathedral RC Primary School would therefore be discontinued on 31st August 2022.

2. Recommendations

- 2.1 Consider the report and supporting documentation, particularly the statutory notice at Appendix B and the comments and objections raised by the respondents at Appendix C.
- 2.2 Agree that the school governors will continue to work with the Council to mitigate and reduce the deficit while the Westminster Cathedral RC Primary School continues to operate. This approach is in line with that reported to Audit and Performance Committee.

Note that, in line with Section 22 of the School Standards and Framework Act 1998 and notwithstanding the efforts to reduce the deficit prior to discontinuation, it is the responsibility of the Council to defray all expenses of maintaining a school and that any school deficit upon discontinuation falls to the Council to be written off.

- 2.3 Agree to proceed with plans for the amalgamation of Westminster Cathedral and St Vincent de Paul RC Primary Schools to take effect from the 1st September 2022 (5.1: Option B). This will result in the discontinuation of Westminster Cathedral RC Primary School on 31st August 2022. All pupils on the roll of Westminster Cathedral RC Primary will have guaranteed places at the amalgamated school. No pupil will be displaced.
- 2.4 Carry out capital works at St Vincent de Paul RC Primary School site to improve accessibility at the entrance of the school .

3. Reasons for Decision

- 3.1 The impact of falling rolls across the borough and the number of schools in financial deficit present several challenges. It has therefore been necessary to consider making changes to ensure that we do not have excess surplus primary capacity going forward. Provision that can be well resourced and is of high quality enables schools to continue to thrive

and offer the opportunities that children deserve: a strong curriculum with excellent teaching, enriching activities and a joyful experience at primary school. The joining of the schools will provide pupils with a full and enriched curriculum as the school will be fully subscribed and fully funded per pupil.

- 3.2 A review of primary school provision was commissioned by Schools Forum in summer 2020 and led by the Isos Partnership. The review identified schools considered to be at risk due to low or falling pupil numbers and/or budget deficit and the subsequent risk to standards.
- 3.4 Westminster Cathedral RC Primary and St Vincent de Paul RC Primary were identified as schools at risk both with falling rolls and a budget deficit. Westminster Cathedral RC Primary has a considerable budget deficit. The schools are led by the headteacher of St Vincent de Paul as the Interim Executive Headteacher.
- 3.5 The informal consultation at Westminster Cathedral and St Vincent de Paul RC Primaries about the proposal was carried out in partnership with the Roman Catholic Diocese of Westminster and in liaison with the Council's Education Partnership Board (EPB). The EPB plays a key role in enabling schools to meet the challenge of ensuring that all children and young people in Westminster achieve the best possible outcomes and can flourish if schools are working in effective partnerships. The EPB also seeks to ensure that steps are taken to address excess surplus capacity in primary schools in Westminster.

4. Background, including Policy Context

- 4.1 Demand for school places is driven by population growth and housing development. Falling birth rates, changing resident demographics and young families migrating out of the borough have resulted in a significant surplus of primary school places across most of the borough.
- 4.2 Westminster Council's Schools Forum, with the support of the Isos Partnership, have undertaken a high-level review of primary school provision working with its schools and respective diocesan bodies to seek strategies and mitigations to address the current surplus capacity in the primary sector and the financial management of schools that have falling rolls.
- 4.3 The risk related to falling schools' rolls has been noted by the Audit and Performance Committee most recently in the papers to the 2nd December 2021 meeting.

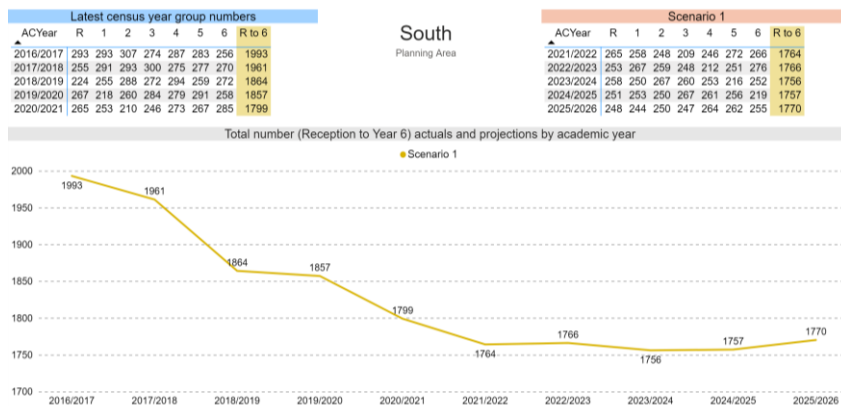
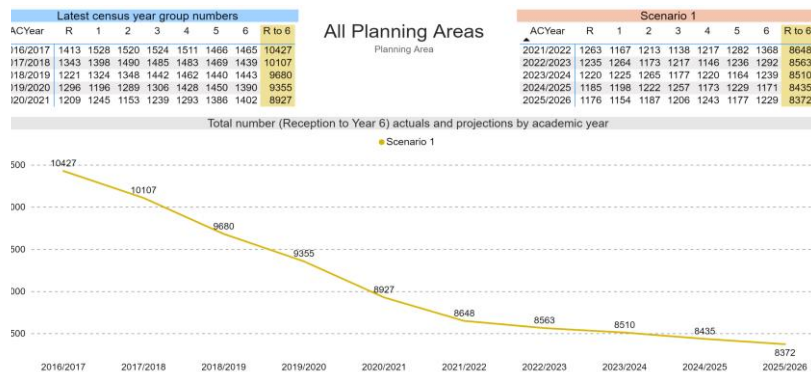
- 4.4 As of the October 2021 School Census, there is a 22.1% surplus in primary school places (2523 are unfilled of 11336 places). This is significantly higher than the recommended 5-10% surplus that the Department for Education suggests local authorities to operate within. Spare capacity within this range, but no more than that, allows local authorities to meet their statutory duty to provide sufficient school places, yet still enable parents to have some choice of schools.
- 4.5 Both schools have falling rolls making it more difficult for them to have the financial ability to be sustained in the medium to long term. Both are one form entry but their current entry levels are below 30 children (the average class size is 22 students per class, with vacancies in all years). The number of children entering reception classes across Westminster dropped by 8% in September 2021 compared to the previous year, so this continues to be a borough-wide issue.
- 4.6 The closing date for reception application for the forthcoming September 2022 entry was 15th January 2022. The process for reception application is operated in accordance with the Pan London coordinated scheme. The Pan London exchange of applications across boroughs was on 4th February. Parents can list in their preferred order up to six schools and will receive the highest potential offer following a Pan London iterative process on National Offer day, 19th April. The only application figures that are guaranteed to result in an offer are those listed as a 1st preference. Lower preferences may be offered one of their higher preference schools. The table provides the applications submitted broken down by 1st to 6th preferences and total. 2021 figures are provided as a comparison.

2022	1st	2nd	3rd	4th	5th	6th	Total
St Vincent de Paul	12	6	5	5	2	2	32
Westminster Cathedral	5	5	4	4	5	1	24
2021	1st	2nd	3rd	4th	5th	6th	Total
St Vincent de Paul	12	9	8	4	3	2	38
Westminster Cathedral	10	8	7	8	5	6	44

- 4.7 School Roll Projections (SRP) are carried out annually as Local Authorities have a statutory responsibility to ensure there is not only a

sufficiency of school places, but that there are strategies in place to address excess surplus capacity, particularly if forecasts indicate that demand is not projected to rise. Westminster uses the GLA modelling for its forecasting; data sources are school rolls, births, population and developments, and inward/outward migration trends.

4.8 The first table shows the latest forecasts for the whole of Westminster. The second table shows the forecasts for the planning area where both schools are located.



5. Options

5.1 The most appropriate option that was approved and recommended to the Council by both governing bodies is to amalgamate both schools to achieve a one form entry school that will take effect from the first point of entry from September 2022. This will work its way through the school each year. Year groups that exceed a class of 30 will be organised as two classes until numbers reduce over time. This option does not leave any pupil displaced and enables a better transition for children at both schools and helps ensure that strong educational outcomes continue to be delivered.

As a reminder, the DfE regulation provides two options for an amalgamation:

Option A: to discontinue both schools and open one new school (no requirement for the new school to be an academy or free school, but the admissions policy would be amended as set out below).

Option B (recommended): to amalgamate two schools by formally discontinuing one of them and retaining the other (sometimes referred to as 'enlarging' the school, but in this case there would be no enlargement for the remaining school).

- 5.2 The Diocese indicated that the former was not an option because DfE Admissions Code regulations stipulate any new Catholic school must have as part of its admission arrangements up to 50% of non-faith which is not an option for the future of Roman Catholic schools located in the Westminster Diocese.

6. Financial Implications

- 6.1 If a school discontinues as part of an amalgamation, the deficit remains with the Local Authority, to be funded from its core budget. School deficits are not an allowable charge to the Dedicated Schools Grant (DSG). Technically it would be possible for the Schools Forum to de-delegate a contingency provision to cover this cost, however this is not proposed as it would be unlikely to be agreed as it would be funded by maintained schools, who are already expected to continue to fund ongoing school redundancy costs.
- 6.2 Westminster Cathedral's deficit was £308,000 at the end of March 2021 and is estimated to be approximately £400,000 at 31st August 2022. This estimate will change as costs and income change, for example if the school has ongoing contract commitments in August 2022 and more agency staff are needed if permanent staff leave. Contract commitment information is being obtained from the school. Finance will continue to work with the school to monitor their deficit position and identify any necessary mitigating actions should the financial position worsen.
- 6.3 The £400,000 estimated deficit in August 2022 will be charged to the Council's core budget.
- 6.4 The cost of any redundancies can be supported within the DSG either from the DSG reserves or by contributions from all maintained schools'

budgets to fund re-organisation costs, to be proposed as part of decisions to be taken by Schools Forum in January 2022.

7. Legal Implications

- 7.1 Section 14 of the Education Act 1996 requires local authorities to provide sufficient schools for primary and secondary education in their area. Local authorities also have best value duties in the performance of their functions under the Local Government Act 1999.
- 7.2 The procedure for amalgamating schools is set out in the Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, and the statutory guidance 'Opening and Closing Maintained Schools' (November 2019). The proposals set out in this report comply with the above legislation and guidance.
- 7.3 The report also sets out the Council's duties under Section 22 of the School Standards and Framework Act 1998.

8. Carbon Impact

- 8.1 The proposal comprises the increased use of both buildings, but a limited carbon impact is resulting from this because no significant changes to the buildings are planned which would increase energy consumption. St Vincent de Paul has an energy rating of G, the lowest band. There are a number of advisory comments on the Government website to improve energy efficiency such as improved insulation. It is planned to retain the Westminster Cathedral school site to accommodate children at the amalgamated school but not to make major changes to the buildings or heating infrastructure at this stage. The energy rating is F.
- 8.2 The Council would anticipate working with the Catholic Diocese as owner of the buildings to implement improvements such as replacement boilers and insulation during their anticipated lifespan and apply for any available grant support.

9. Consultation

- 9.1 The schools' governing bodies carried out an informal consultation between 11th October 2021 and 12th November 2021. A consultation document, agreed with the Local Authority and the Catholic Diocese of Westminster, was circulated via email, paper versions and placed on the schools' websites. Parent and staff sessions were held at both

schools.

- 9.2 The governing bodies of both schools met separately on 9th December 2021, discussed and considered in detail the consultation feedback and notified the Council on 10th December of their recommendation to proceed with the proposal to amalgamate. In accordance with statutory guidance [Opening and closing maintained schools](#), the Council is the decision-maker and responsible for issuing a statutory notice about the proposal for a four-week period during which further representations can be made.
- 9.3 The statutory notice (**Appendix B**) was published on 6th January 2022 to run for a four-week period to end on 3rd February 2022. A summary analysis of responses is included at **Appendix C**.
- 9.4 In total, the Council received 47 responses during the notice period. Respondents identified themselves as parents and staff from both schools, governors and a local councillor. Four agreed with the amalgamation proposal, 16 disagreed and 27 did not indicate either way.

The Council response is included in the analysis report and presented here as follows:

9.4.1 Council response to representations following the Statutory Notice

'The Council acknowledges the genuine support and concerns raised by parents/carers, the local community and educational professionals in response to the statutory notice period and the four-week informal consultation period led by the governing bodies of both schools. Whilst taking account of all representations made, the Council must consider these representations against the two key reasons for the proposal to amalgamate the two schools: falling rolls and financial viability. As outlined in the informal consultation and the statutory notice, Westminster currently has a 22% surplus capacity across its primary schools. This is not contained in any particular area but across all areas of the borough. Westminster Cathedral and St Vincent de Paul are located in the 'South' planning area, which is one of six planning areas. The current surplus capacity in this area is currently 24.5%. Both schools have unfilled places at 31% and 34%. Annual projections do not indicate demand over the next 4-5 years, which will result in a continuing increase in deficit at both schools culminating in reduced resources. The Council has a statutory responsibility to not

only ensure there is sufficiency of school places in its area but to address excess surplus capacity and ensure the financial viability of its maintained schools.

Westminster Cathedral's deficit was £308,000 at the end of March 2021 and is estimated to be about £400,000 at 31st August 2022, the date of proposed closure (as part of the amalgamation). Unfortunately, although the Council supported Westminster Cathedral school in producing a deficit recovery plan and supported a number of staff reorganisations, as the roll reductions were much higher than it had previously been forecast, and over 90% of school funding is based on pupil numbers, the school's funding reduced significantly. At this stage, the school became financially unviable and was not able to reduce costs further leading to a significant worsening of the deficit.

St Vincent de Paul were in deficit by £39,000 at 31st March 2021 and are estimating this deficit will increase to £79,000 by 31st March 2021. The school has not been able to produce a balanced budget plan over three years and their position is estimated to worsen to £163,000 deficit by 31st March 2024.

We believe that this amalgamation proposal offers the best opportunity to secure not only the current, but long-term sustainability of high quality primary education to current and future pupils, and is a proposal that provides a guaranteed place at St Vincent de Paul for all pupils on roll of both schools.

When schools are amalgamated, it will result in the discontinuation of one of the schools. When an amalgamation takes place, the children attending the discontinued school are not displaced and have a guaranteed place at the new amalgamated school.

An amalgamated school will also enable greater opportunity for families to be provided with a range of extra-curricular activities and ensure value for money including promoting the current nursery offer for 3 and 4 years olds.

10. Staffing implications

- 10.1 A new staffing structure will need to be developed as part of the planning for September 2022 if a decision to amalgamate the schools is taken. In both schools, staffing changes have already had to be made due to reduce per pupil funding as roll numbers decline, and the impact this

has had on staffing and resources. The exact structure for the future cannot be clear until we know whether the schools are amalgamating and the numbers of children and, therefore, the numbers of staff required.

- 10.2 Should the amalgamation go ahead, existing staff at both schools will be consulted on a proposal to create a new staffing structure for the amalgamated school. As part of the consultation process, governors will work with the Council, staff, and their unions, and an HR consultant to determine the best ways to manage any changes needed. The Council, Diocese and governors are committed to avoiding compulsory redundancy.
- 10.3 In the Autumn term 2021, informal meetings were held with staff to notify them of the potential amalgamation. If a decision to amalgamate is made, the two governing bodies will conduct a full consultation with all affected staff. Amalgamation provides greater protection for staff because more posts will be retained than would be the case if one school discontinues without being part of an amalgamation.

11. Final decision: Appeal process

11.1 In accordance with Department for Education statutory guidance Opening and closing maintained schools, the Council must publish its decision within one week on its website. It must also notify the below organisations of the decision who can submit an appeal within four weeks of the decision being taken. Appeals are referred by the Council to the Office of the Schools Adjudicator (OSA).

- Bishop of any Roman Catholic church in the relevant area
- Diocesan Board of Education of any Church of England Diocese in the relevant area
- Governing Body of each school.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Wendy Anthony, Head of Place Planning and Access Education

APPENDICES

- *Appendix A - Informal consultation paper on the proposed amalgamation Westminster Cathedral and St Vincent de Paul Catholic Primary Schools*
- *Appendix B - Full Statutory Proposal Notice*
- *Appendix C – Summary of representations to the full Statutory Notice*

LIST APPENDICES ABOVE BACKGROUND PAPERS

BACKGROUND PAPERS

NB: For individual Cabinet Member reports only

For completion by the **Cabinet Member** for Young People and Learning

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed: _____ Date: _____
NAME: **[add Cabinet Member's name]**

State nature of interest if any:

(N.B: If you have an interest, you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled

INSERT REPORT TITLE and reject any alternative options which are referred to but not recommended.

Signed: _____

Cabinet Member for (add portfolio title)

Date: _____

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are resources implications, the Director of People Services (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.