

## TRAFFORD METROPOLITAN BOROUGH COUNCIL

**Report to:** Executive Member for Childrens Services  
**Date:** 16<sup>th</sup> January 2018  
**Report for:** Decision  
**Report of:** Corporate Director Children, Families and Wellbeing

### Report Title

#### **PRESUMPTION TO AMALGAMATE COMMUNITY INFANT AND JUNIOR SCHOOLS**

### Summary

A proposal to adopt a Presumption to Amalgamate Community Infant and Junior Schools Policy, to ensure a consistent and transparent approach to the consideration of school amalgamations.

### Recommendation(s)

That the Executive Member for Children's Services Families approves the Presumption to Amalgamate Community Infant and Junior Schools Policy.

Contact person for access to background papers and further information:

Name: Marilyn Golding  
Extension: 1853

Background Papers:

None

### *Implications:*

Relationship to Corporate Priorities	Achieving Educational Excellence
Financial	There are no financial implications from this proposal.
Legal Implications:	The prescribed alterations required to bring about the amalgamation of infant and junior schools are subject to statutory processes required by the School Organisation (Prescribed Alterations to Maintained Schools) (England) 2013. and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.
Equality/Diversity Implications	There are no equality or diversity implications from this proposal.
Sustainability Implications	There are no sustainability implications from this proposal.
Resource Implications e.g. Staffing / ICT / Assets	There are no e government or asset management implications from this proposal.
Risk Management Implications	There are no specific strategic or operational risks to this proposal.

Health and Wellbeing Implications	There are no health and wellbeing implications from this proposal.
Health and Safety Implications	Schools are Subject to current Health and Safety Legislation but there are no direct impacts from this proposal.

## Background

The Local Authority's long standing strategic aim has been to amalgamate separate infant and junior schools where there are no contrary indicators to a proposal. The proposed Policy is detailed in Annex 1 of this Report.

## Consultation

Consultation has been undertaken with all Trafford primary, infant and junior schools including faith schools and academies. Consultation began on 11<sup>th</sup> September 2017 and continued for 6 weeks until Friday 20<sup>th</sup> October 2017. The comments received and responses provided have been published on Trafford's website and are included in Annex 2 of this Report

## Financial Implications

There are no financial implications of adopting the proposed Policy. However, any resulting amalgamations will reduce the overall cost to the Dedicated Schools Grant.

## Reasons for Proposal

The Local Authority's long standing strategic aim has been to amalgamate separate infant and junior schools where there are no contrary indicators to a proposal. The practice in recent years has been to consider amalgamation when the headship of one of the schools has fallen vacant. However, there have been a number of instances where a headship has become vacant but amalgamation has not taken place. The criteria for taking the decision to amalgamate have not been explicit, leading to an inconsistent approach which has not allowed for a transparent and effective decision making process.

## Other Options

A decision not to adopt the Policy.

## Reasons for Recommendation

To enable a consistent and transparent process for the consideration of proposals to amalgamate Trafford's community infant and junior schools

**Finance Officer Clearance** .....GB.....

**Legal Officer Clearance** .....PD.....



**Corporate Director** .....

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

**Presumption to Amalgamate Community Infant and Junior Schools Policy**

Trafford LA will commence consultation on the amalgamation of separate Community Infant and Junior schools wherever there is a vacancy in the headship of one, or both, of the schools and the following criteria are met;

- That the site(s) can be effectively managed as one school; and
- That the buildings can be adapted to meet the needs of an amalgamated school at an acceptable cost.

Amalgamations will be achieved through linked proposals to discontinue (close) one school, where the headship is vacant, and to extend the age range of the remaining school. If there are vacancies in both schools, the school where the first resignation was made will be discontinued and the vacant post for the primary school will be advertised externally. The LA considers that this provides a consistent and objective approach that does not imply any issue of underperformance or of take over. However, the local authority will consider each case on an individual basis to ensure that any specific circumstances are taken into account.

In the implementation of the Policy the LA will work with staff and governing bodies to achieve a combined school. The governing body of the enlarged school will ensure that governors are appointed with the skills to contribute to effective governance at the school and that parent governors and staff governors are appointed in accordance with LA procedures.

Any proposal to amalgamate will be subject to comprehensive consultation and will incorporate the required statutory processes in a 4 stage procedure;

**Stage 1 – Informal Consultation**

The LA will initiate informal consultation with all interested parties including the two governing bodies and all staff and parents of pupils at both schools. This informal consultation will last for a minimum of 6 weeks, commencing with meetings for parents and staff.

The Executive Member for Children's Services will consider the outcomes of the informal consultation and decide whether or not to continue with the proposal. Where it is determined to proceed, a statutory notice will be published

**Stage 2 – Publication of a Statutory Notice**

The publication of a statutory notice will begin a 4 week representation period. Notice of the proposal will be published in a local newspaper and displayed in a prominent position outside both schools. Within one week of this publication a copy of the full proposal will be sent to the governing bodies of both schools and to any other body or person that the LA thinks is appropriate. Full details of the proposal will be published on Trafford's website, to view or download, and will advise interested parties how to object to, or comment on, the proposal and the date that the representation period will end.

**Stage 3 – Consideration of Representations**

The Executive Member for Children's Services will consider any objections and decide whether to confirm the proposed amalgamation.

## **Stage 4 - Decision**

Where the decision is to confirm the amalgamation, the decision will be subject to Trafford's "Call In" procedures. This means that the Decision is published on Trafford's website and may be called in for further scrutiny by Trafford's Executive. The call in period lasts for 5 days and, at the end of this period, the decision is effective.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. Therefore the implementation date will be determined by the particular factors of each individual proposal and to achieve the most efficient and effective amalgamation.

## **Equalities Impact Analysis**

No specific equalities issues arise from this Policy since its purpose is to provide a more effective pattern of Primary education, which will be to the benefit of all groups of pupils in the area.

All human resource issues arising from this Policy will be addressed through the Council's established policies and procedures so as to ensure fairness to all staff affected.

## **Presumption to Amalgamate Infant and Junior Schools - Comments and Responses**

### **Comment 1**

In principle we should look to amalgamate separate schools as there is a saving to the DSG. How that is achieved is more problematic. I would suspect that infant and junior schools would probably like to see the 'with the agreement of both school's Board of Governors' added to the criteria. I suspect that is missing as this would mean schools would rarely choose to amalgamate.

Infant schools often produce higher results at the end of KS1 than primary schools as children often rise to being the most mature pupils in the school or due to pressures of accountability. So there you go and that is probably why we are where we are.

Separate schools are the expensive option but I understand why they would not want to amalgamate. I think the Authority should be gently persuading schools to merge when the opportunity arises and it should not be compulsory upon Boards

### **Response 1**

In the event that the presumption to amalgamate is triggered, the circumstances at the relevant schools will be considered. Full consultation with the Governing Board, Staff, Parents and other interested parties is required before an amalgamation can be determined.

### **Comment 2**

Whilst I acknowledge the requirement for consistency in dealing with potential amalgamations of schools, I have the following reservations about the proposed policy, as currently drafted.

These are as follows:

I disagree with the need to close the school with the departing head teacher and to expand the remaining school. This approach destroys the history and traditions of the closing school and gives no impetus to the surviving school to encompass and promulgate the closing school's ethos. Instead, a better approach would be to close both schools and create a new school which takes on aspects of both original schools' best practice, tradition and history. For teachers and other staff, pupils, parents, and the newly constituted governing body of the new school, this would give both original schools the chance to come together as equal parties in a new venture under a common leader, without the feeling that one school has been effectively "taken over" by another for no good reason other than its head teacher has resigned.

The government's own guidelines in respect of amalgamations makes it clear that the latter approach is acceptable (DoE April 2016 - Statutory guidance for proposers and decision-makers on Amalgamations of Schools):

"There are two ways to amalgamate two (or more) existing maintained schools:

- The LA or governing body (depending on school category) can publish a proposal to close two, or more, schools and the LA or a proposer other than the LA (e.g. diocese, faith or parent group, Trust) depending on category, can publish a proposal to open a new school or presumption free school (see part 2). This results in a new school number being issued.
- The LA and / or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge / change the age range / transfer site (following the statutory process as / when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.”

My view is that any school created from the amalgamation of an infant school and a junior school in Trafford LEA will be such a different entity than either of its original parts, that a new start would be the better approach.

One of the main roles of a governing body is to appoint the head teacher of its school. The governing body of a school has a thorough overview of the school’s business and is in the best position to appoint someone who has the necessary skills, ability and vision to lead that school. The proposed policy seeks to take that important decision out of the hands of the governing body, which has the best knowledge of the school in question, by imposing a head teacher on that school (as it amalgamates with the other school) who may not have the necessary experience, skillset or ability to carry out that role.

For example, a head teacher of an infant school may have practised for their entire career in the KS1 field and may have no practical experience of KS2 and the particular issues facing that sector (and vice versa). If, in this example, the junior school head teacher were to resign, the infant and junior schools were to amalgamate, and the infant school head teacher were to be made head teacher of the amalgamated school, that person would potentially be in charge with little to no experience of KS2 and would be in charge of a school that would be more than double the size of the original infant school, in terms of pupil numbers and budget.

In addition, there are potentially many other more qualified candidates for the job external to the amalgamated schools who will not consequently be interviewed for that post (as a diligent governing body filling a head teacher vacancy would be doing) and that risks putting the amalgamated school in a potentially disadvantageous position. Indeed, the draft policy is expressly taking power from the hands of the governing body which is the statutorily-appointed entity with the power to appoint a replacement head teacher.

The draft policy is also taking power away from the governing body by putting the final decision in relation to amalgamation in the hands of an elected officer.

I am disappointed that parents of children who could potentially be affected by the draft policy have not been included in the consultation as they are the largest “interested party”. As a former parent of children at both Stamford Park Junior School and Stamford Park Infant School I would have been very interested to read the proposals and comment on them, had I been eligible to do so. It should be noted by decision-makers that parents’ views are not necessarily aligned with the governors, the LEA or the staff in relation to a particular school or schools and I believe that parents’ contributions would have been thought-provoking and informative.

In summary, I welcome the opportunity to provide comments to the consultation. The main three areas I have commented on relate to model of amalgamation (whether a

new school should be created or not), the removal from governors of the power to appoint a replacement head teacher who is the best qualified candidate for the role rather than an incumbent head who may not have the required skillset, and the lack of inclusion of parents in the consultation process.

## Response 2

To date Trafford has undertaken the amalgamation of 16 infant and junior schools. Davyhulme Infant and Junior Schools, Flixton Infant and Junior Schools, Heyes Lane Infant and Junior Schools and Urmston Infant and Junior School have all amalgamated, through the closure of one school and the change of age range of the other, to provide popular and successful community primary schools. St. Ann's R.C. Infant and Junior Schools and St. Vincent's Catholic Infant and Junior Schools were amalgamated by the same process, in partnership with the relevant Diocese, and have continued to be successful and popular voluntary aided schools. Two of the primary academies in Trafford; Old Trafford Community Academy and Acre Hall Academy, converted (or sponsored in the case of Acre Hall) from primary schools which had successfully amalgamated through the closure of one and the change of age range at the other.

Trafford's preferred method has proved to be an effective and efficient process, causing the minimum disruption to pupils, staff and the life of the schools. In some instances parents and children had been unaware of the fact that the schools were, in fact, two separate entities until consultation on amalgamation began. There is no evidence to demonstrate that either the ethos or the standards at these schools have been adversely affected since all those schools that have undergone an Ofsted inspection, post amalgamation, have been judged to be outstanding or good.

It is important to note that the proposed policy does not refer to, or take account of, the circumstances at any specific school. However, it is the case that all of Trafford's remaining infant and junior schools are currently judged good or outstanding and all Headteachers meet the National standards of excellence for headteachers. Therefore, it is right that all schools and headteachers be considered equal in the presumption, which is intended to provide an impartial and consistent process to begin consideration of amalgamation. It will be at the point that the presumption to consider amalgamation is triggered, that the advantages, disadvantages and overall impact of the amalgamation of two specific schools will be properly considered.

In the case of making prescribed alterations to community infant and junior schools, the LA is the proposer and the decision maker in all circumstances (except that a governing body can propose and determine a small scale expansion which would not trigger the required statutory processes). It is also the case that it is the LA, alone, that has the power to propose, and ultimately determine, the closure of a community school. However, Trafford's commitment to meaningful consultation and the full consideration of the views of stakeholders may have given the impression that the responsibility lay elsewhere although, in fact, these responsibilities have never rested with the governing bodies of community schools. The proposed Policy seeks to provide a clear and transparent process without diluting the views of stakeholders.

Although statutory processes are in place to deal with the amalgamation of schools, LAs are not required to have, or to consult on, a presumption to amalgamate policy. On that basis, the LA has not sought the views of parents on how a process might first be instigated because statutory consultation must take place with relevant parents when there is relevant information to share. In the event that the Presumption to Amalgamate Community Infant and Junior Schools Policy is adopted through Trafford's democratic processes, the Policy will be published and available for any interested party, including parents, to view. This has not previously been the case and, as a result, decisions on whether to amalgamate or not, have not been open and

transparent. The reasons have not been subject to consultation with parents or other relevant groups and parents have largely been left ignorant of the options and processes. In future it is intended that all parties will understand the rationale behind the process and the final decision on whether to amalgamate or not.

### **Comment 3**

- 3.1 The Head advised that there is now an Amalgamation Policy which overrides the existing Amalgamation Protocol. In essence, the new policy means that the final decision to amalgamate is made by the LA and not the Governors. The Policy has been sent to those schools affected for their consultation and any response needs to be submitted by the end of October.

### **Response 3.1**

The LA is undertaking a consultation exercise on the Presumption to Amalgamate Community Infant and Junior Schools because the Council does not have an open and transparent Policy that has been approved through the Council's usual democratic processes. It is understood that in previous amalgamations an unratified protocol was followed when making first contact with relevant schools. However, that protocol had never been correctly determined through the Council's democratic processes and, consequently, had no official standing. A statutory process does exist for school amalgamations and this statutory process has been followed in all previous amalgamations. In accordance with these processes the LA has always been the final decision maker although consultation is an important and required component of the statutory process.

- 3.2 Governors noted the following needs more clarification:

- a) Governors agreed that this policy is a good idea but feel it needs to offer the remaining Head redundancy and clearly outline the rights of the remaining Head.

### **Response 3.2 a)**

The proposed Policy echoes the process followed in all previous expansions although its purpose is to make that process consistent and transparent. This method has proved to be an effective and efficient process, causing the minimum disruption to pupils, staff and to the life of the schools. Since the remaining school will still require a Headteacher, making the post redundant can not be an option.

- b) Governors would like to know the rationale behind this policy– why does the LA want schools to amalgamate? The Head suggested this was due to a fall in teachers aiming to be Headteachers and the difficulties in recruitment.

### **Response 3.2 b)**

It is the LA's long standing strategic aim to amalgamate separate infant and junior schools where there are no contrary indicators to a proposal. Whilst financial efficiency and improvements in recruitment and staff development do provide significant advantages, these are also considered alongside other important educational issues such as:

- Reducing the number of changes for children, so improving continuity and progression in the primary phase;
  - Allowing whole school planning across the Key Stages;
  - Aligning the organisational structure of the school with the National Curriculum Key Stages;
  - Providing access for staff to the whole primary curriculum. This supports and informs whole school planning and assessment and provides opportunities for wider staff development and experience across the full primary phase.
- c) What does this mean in terms of academisation. If the two schools became a MAT and one Head resigned, is amalgamation possible at that point and if so and the two schools become one would the MAT then need to find another school.

### **Response 3.2 c)**

This Policy presumes the amalgamation of community infant and junior schools and will not apply to academies. However, the LA's information does urge all governing bodies of separate infant and junior schools to consider amalgamation as part of any consideration they have of academy conversion.

- d) Governors were concerned that the Policy takes away the voice of Governors but agreed that amalgamation should be available in cases of under performance

### **Response 3.2 d)**

Although the LA is the decision maker, governors, staff and parents are important consultees and their views must be effectively sought and considered before any amalgamation can take place.

- e) Governors felt they need clarification on the benefits the new policy will bring.

### **Response 3.2 e)**

The Policy will provide an open and transparent method for deciding whether or not to begin the statutory process of amalgamation.

It is important to note that the Presumption to Amalgamate Policy is a tool to assist in the implementation of the LA's strategic aim to amalgamate infant and junior schools and does not, itself, seek to address what the benefits or challenges might be in infant and junior schools since these will be different at any of the schools at any given time. Rather the benefits and challenges will be addressed and discussed as part of the full proposal to amalgamate, which is a required element of the statutory process. There are four stages in that process before a proposal can be implemented:

Stage:	Process
1: Consultation	The issue of a consultation document, usually written in partnership with the LA and the schools, marks the beginning of a period of consultation during which the views of all interested parties are sought. These views will be considered before any move to the next stage of the process happens.
2: Publication	Dependent upon the outcome of the consultation, a decision on whether to publish a statutory notice will be made by the LA. The

	publication of a statutory notice must be accompanied with the publication of a full proposal.
3: Representation	Following publication of statutory notices 'representations' can be made on the proposals – this is the main opportunity for anyone with an interest to submit their views before a final decision is made. The representation period must last for four weeks.
4: Decision	Within two months of the end of the representation period, the LA must make a final decision on the proposal.

## Comment 4

Thank you for giving me the opportunity to send feedback regarding the proposed amalgamation protocol.

I have a number of points I wish to raise:

- 1) The government, in its various Formula Funding Arrangements over the last few years, has clearly stated that they wish to see LA's working towards amalgamating infant and junior schools. Therefore, for our LA to work away from that intention seems that we may become liable at some point to be put under scrutiny by the DfE, etc. If this was the case and the Secretary of State was to take over a decision about a possible question of amalgamation, we might be left with schools feeling very isolated and rushed into making what might become bad decisions for the long-term well-being of staff, pupils, parents and schools. Better therefore to be 'masters of our own destiny' than to be liable for retrogressive movements from the government.
- 2) The issue may be seen by some individual schools as the presumption of retaining the independence and autonomy of an individual infant and/or junior school but it is my view that amalgamation could be seen as being advantageous due to two over-riding issues:
  - i) Education - for many, many years, I have heard head teachers and staff of Junior schools being less than positive about the KS1 SATs results at Year 2 of those children transitioning into their Year 3. They have complained to me, and no doubt to the LA, that there is a perceived over-inflation of scores for some children from some schools. The value added progress scores of Junior schools are notoriously lower than those of through-primary schools. This has, in the past, led to tensions between schools that would ideally have a tight and trusting relationship. Non-amalgamation serves to perpetuate this situation
  - ii) Finance - Every school in our Borough is under-funded. As an Authority we remain in the F40 group of schools (the 40 least well funded in the country) and within our own LA there is great variance between the funding levels of individual schools. The draw from the Minimum Funding Guarantee (MFG) causes great turbulence and dispute. In addition, under new funding arrangements from 2020, we will see the lump sum for each school in our Borough drop from £150,000 per annum to just £110,000.

Amalgamation of schools reduces the lump sum burden on the Schools Direct Grant (DSG) and therefore enables more money to be given to each individual school. An eventual amalgamation of each of the ten potential schools in Trafford would at this present time save our combined schools budget £750,000 per year, every year. Every penny of this amount would be then directed to every remaining schools' budgets. Looked at another way, this money could go to solve the SEND over-spend crisis we find ourselves in every year. It could assist in the easing the burden of over or under population in some of our schools.

In addition to the single funding issue set out above, further to primary school amalgamations, if a decision was made in the future to amalgamate two secondary schools in the Stretford area, this would flood the DSG with capital. This would not just be from a further £150,000 lump sum saving per year (moving to £110,000 from 2020 every year) - giving schools an additional £900,000 a year every year to 2020 and thereafter £660,000 per annum, but it would also reduce the cost to the MFG by some £750,000 (at current) per annum. This would do two things:

- a) provide more funds for every single school in Trafford
- b) reduce the burden of MFG contributions made by those contributing schools, thereby increasing the amount of money in individual schools budgets even further.

I appreciate, especially as I have held my headship for over 20 years, that saying goodbye to the school you love is not easy - in fact for me it would prove extremely upsetting. On the one hand I do empathise with heads and governors who may do all they can to block amalgamation, but when I look at financial matters through Funding Forum and the Mainstream Funding Group, I always want to look at what is best for the majority of schools. When it comes to the issue of amalgamation - when the time is right, and given the matters of consideration as outlined in the Authority's proposal, I am in favour of supporting the proposal as set out.

#### **Response 4**

Thank you for comments. I will include these in the Report to the Executive Member for Education for consideration before the final decision is made.

#### **Comment 5**

Forwarded from the Headteachers SLA Meeting held on Friday 29<sup>th</sup> November 2017

The Headteacher of Stamford Park Junior School raised the issue of the LA's proposal to presume the amalgamation of Infant and Junior schools where a set of criteria were met. The Headteacher presented a copy of a protocol which had been followed in the past and considered that the protocol should continue to be used. The Headteacher was disappointed to note that affected schools did not receive pre-consultation before the full consultation went out to all infant, junior and primary schools. Two other primary headteachers were present, St. Mary's C.E. Primary School (Sale) and Worthington Primary School, and agreed that the affected schools should have been advised of the proposal first. The Headteachers present also felt that there were a number of occasions when the LA had made decisions or published information without consulting with the affected group.

#### **Response 5**

The LA has recently undertaken a consultation exercise on the Presumption to Amalgamate Community Infant and Junior Schools. This was done because the Council does not have an open and transparent Policy that has been approved through the Council's usual democratic processes. The undated, draft document provided is an unratified protocol that has never been correctly determined through the Council's democratic processes. Therefore the Protocol has no standing and cannot be considered to be in effect or "relevant".

Consultation is an important component of school admissions and school organisation proposals and I am sure that in respect to each of these areas the consultation undertaken by Trafford is always compliant and usually exceeds the minimum requirements. The non-statutory consultation was announced, with the same weight and process as any statutory consultation, at the beginning of September, to last for 6 weeks commencing on Monday 11th September.

“The Local Authority’s long standing strategic aim has been to amalgamate separate infant and junior schools where there were no contrary indicators to such a proposal. The LA is consulting the Headteachers and Governors of all Trafford’s Primary, Infant and Junior Schools on its proposal to adopt a Presumption to Amalgamate Community Infant and Junior Schools Policy. “

Rather than consulting on the intention to actually amalgamate any of the current infant and junior schools, the consultation invited comments on a proposal to presume the amalgamation of community infant and junior schools to be sent to me:

Marilyn Golding  
School Admissions  
Waterside  
Sale  
M33 7ZF

Or email [school.admissions@trafford.gov.uk](mailto:school.admissions@trafford.gov.uk)

In the event that the LA adopts the Presumption to Amalgamate Policy and subsequently invokes that Policy, then a statutory process of consultation, publication, representation and determination will be required to take place in accordance with the relevant regulations.

The consultation period ended on 20th October and comments and responses are currently being collated for inclusion in a Report for consideration by the Council’s Executive. I will include your comments and the attached document in that Report.