

# London Borough of Hillingdon

## Successful, Sustainable, Viable Schools:

## Infant & Junior Amalgamation Policy



# London Borough of Hillingdon Amalgamation Policy

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<b>London Councils Place Planning Workshop – December 2021.</b>	

## Introduction

1. Hillingdon Council is a Local Authority (LA) with a role as commissioner and champion of parents and children. The LA has a statutory duty to ensure that there are sufficient and high-quality school places and wishes to support every school to be successful, sustainable, and viable. Hillingdon LA has delegated the majority of budgets and responsibilities to schools and the vast majority of Hillingdon schools provide a high-quality education to their pupils and strive constantly to raise the standard of education. They are committed to working collaboratively with each other and in partnership with all their stakeholders, with a strong focus on developing extended service provision for their local communities. Schools face constant challenges, and all are unique. LA works with them to shape a positive future for all pupils and schools.
2. Many pupils and schools have experienced high movement of pupils since Covid, and across London, primary school rolls have declined in the past few years and many now have some smaller year groups with fewer classes in. This affects how schools manage stability of classes, staffing and budgets and some have to move pupils between classes and teachers within a school year. The movements impact on pupils and constrains work to help them catch up after three years of interrupted schooling.
3. Schools need to be more resilient as rolls are volatile whilst families are still moving homes and jobs, and future roll projections are uncertain. London borough place-planning leads have discussed options to help stabilise schools and manage surplus places and declining primary rolls and a summary table of options is at Appendix 1. Hillingdon is now considering and progressing most of these options to best support schools in their different circumstances. The Education White and Green Papers, March 2022, adds further context and pressure, to improve support and integration of pupils with SEN in mainstream schools and for all schools to consider conversion to academy status, at the same time as budget pressures on schools will continue.
4. Approximately half of Hillingdon's total 99 schools are maintained by the LA; 1 community nursery school; 29 community primary and 2 special (1 primary and 1 secondary); 10 VA primary, 6 Foundation primary and 2 Foundation Secondary. These include most of the primary schools with the lowest rolls in Hillingdon, and current funding pressures require the LA to review how best to support these schools and prevent further schools becoming unviable educationally or financially. The other half of schools are academies, mostly in small local multi academy trusts (MATs) or standalone, 49 schools in a total of 22 Trusts.
5. Most Hillingdon primary schools are three form entry or larger, and 92% are graded good or outstanding by Ofsted and very popular with parents. There are only 8 one form entry schools, mainly Church of England or Roman Catholic schools. However, there are also ten pairs of Infant and Junior schools and following roll decline 18 (January 2022 Census) of these 20 schools have rolls below 420 pupils, a two form entry primary school, though they are two, three or four form entry. In September 2021 two more pairs of Infant and Junior schools became primary schools after consulting and deciding to amalgamate. The Infant and Junior schools are particularly vulnerable to financial and class organisation pressures as they only have three or four year groups to move teachers around. All are maintained except for two Junior schools that joined different MATs. In recent years several have had difficulties in recruiting leaders or staff, or have been graded 'Requires Improvement' by Ofsted and/or have fallen into deficit, as class sizes have fallen below the viable level (around 25). All of this affects pupil experiences and if

one school is struggling, some families move pupils out of both schools.

6. Hillingdon LA has now updated its policy on amalgamation of Infant and Junior schools as it considers all-through primary phase schools are more resilient to support all their pupils to learn and achieve across a wide curriculum, with continuity from age 3-11. This should have benefits across the borough:
  - a. all schools more likely to maintain and improve the quality of education
  - b. parents in all areas of the borough continue to be offered a choice of local provision
  - c. public resources are used more efficiently and effectively.
7. This policy draws on the experience of those schools who have recently amalgamated and other LA's good practice, rooted in supporting educational improvement. Amalgamation will be considered when it is in the best interests of current and future pupils attending the schools involved, considering local and individual circumstances. In the implementation of this amalgamation policy, the local authority will work from 2022 onwards with governing bodies and other parties to achieve combined 'all-through' primary schools where and when appropriate. Also, the LA is willing to help broker discussions between one-form entry schools and dioceses about shared Executive Headships and other joint arrangements between groups of two or three small schools, who wish to retain their individual status but share costs and expertise.
8. Each Infant and Junior school governing body is asked to discuss this policy and plan their own route towards full amalgamation. For some this may be some years ahead, though others may be pushed by circumstances setting off triggers. Many already have joint committees of the two chairs and heads or have federated to form one governing body in advance of full amalgamation, with one Executive Head or share posts such as SENCO and site manager.
9. This Policy will only be applied to Hillingdon maintained schools for which the LA retains the responsibility for conducting school organisational changes of this nature. Any school that has converted to academy status falls under the remit of the Regional Schools Commissioner (RSC) on behalf of the Department for Education (DfE) and would not be subject to this policy. However, DfE national policy supports amalgamation.

## **The Educational Case for Amalgamation**

10. The creation of all through primary schools brings a number of benefits including:
  - a. The staffing structure is aligned with the National Curriculum Key Stages; there may be separate leaders for Foundation, Key Stages 1 and 2 but there will be coherent planning across the primary phase and shared expertise, giving greater flexibility across and between the Key Stages, to meet the needs of all pupils.
  - b. Separate Infant and Junior schools are disproportionately more likely to be graded Requires Improvement by Ofsted or to have budget deficits.
  - c. More resources spent on pupils in classes and employing specialist staff. A primary school provides strong continuity and progression for children and families in terms of the curriculum and social experience. This is particularly beneficial to pupils with special and additional needs or high abilities.
  - d. All pupils have access to staff expertise and resources such as musical instruments and groups, and sport, gym facilities and playing fields (most Infant schools do not have fields), and to a wider range of wrap-around and extra-curricular activities.
  - e. Better recruitment, succession planning and retention of staff and opportunities for

staff to learn and develop professionally within schools. All teachers and classroom staff have access to the whole primary curriculum. This supports and informs whole school planning, assessment, pastoral systems, etc, and provides opportunities for wider staff development and experience across the full primary phase.

- f. Infant and Junior schools are not eligible to apply for leadership schemes such as Teaching School Hubs due to their small size and infrastructure. The DfE rarely recognises Infant schools within funded schemes, such as Covid digital devices. Primary schools receive more support than Infant and Junior schools, which strengthens the argument for the benefit of shared access to resources.
- g. This would create more three form primary schools and some four form entry - all with more scope to be flexible if some year groups are smaller. This will help schools make the best use of their funding and expertise.

## **Governance and Leadership**

11. A single governing body and headteacher can provide strategic governance and vision for all primary key stages and be accountable for outcomes across the school phases, and allocation of resources between them. Currently there are difficulties recruiting governors so a refocus of resources would improve more schools.

## **Parents Views**

12. Whilst Infant and Junior schools are popular with parents it was clear by 2021 that separate Infant and Junior schools tend to have more vacancies than all-through primary schools and where there is a local choice the nearby primary school tends to be full and over-subscribed and parents choose to move pupils into them if there are vacancies. This has led to pupils 'waiting' for a while until a vacancy occurs, and this is disruptive for those pupils and others in their classes.
13. Parents with several children can be irritated by the separate structures, offices and rules applying to their children across the two schools and the differences in policies such as reading, SEN support, behaviour, spelling, homework etc. However, where separate schools work closely together, the duplication of structures adds costs.

## **Financial Implications**

14. Most of the separate Infant and Junior schools are below 420 pupils, that is two form entry and they lack financial resilience, scope for economies of scale or a wide range of staff expertise.
15. Local authorities are legally constrained in how much they can help schools in difficulty. School Budgets are currently under huge pressure from inflation, high fixed costs and a fall in primary rolls across London due to the impact of the lower birth rate, Brexit and Covid. Separate Infant and Junior schools are more likely than all-through primary schools to have financial pressures, and often the leadership structure and non-teaching costs are disproportionately expensive. The amalgamation of Infant and Junior schools should result in savings being achieved over the first few years, through a rationalisation of resources and economies of scale by combining operations and streamlining the procurement of services.
16. Combined schools sharing the same site are able to maximise the efficiency of their resources, with scope for more expertise to be shared across the school. A combined school staffing structure removes duplication and support functions can be consolidated across the single school, with a positive impact on the budget.
17. Primary pupil numbers are volatile and a combined single school on a site has more resilience to be flexible with allocating staff if year groups different in size, and improve the accommodation and use of the site.

18. The amalgamation of the schools will allow for a pooling of asset related revenue budgets, and the ability to manage property costs over both buildings, which will support a better maintenance regime.

## **The Policy**

19. The London Borough of Hillingdon will require Governing Bodies of all separate Infant and Junior schools to consider amalgamating their two linked schools when one or more of the following 'trigger circumstances' occur, unless there are compelling and overriding reasons:
  - a) A headteacher vacancy arises in either or both schools.
  - b) Total pupil numbers in either school are 25% or more below the Published Admission Number.
  - c) Ofsted inspection in one of the schools identifies a 'Requires Improvement' judgement.
  - d) One or both of the schools cannot set a balanced budget or has financial problems.
  - e) One or both of the schools involved is judged to be a 'School causing concern' by the London Borough of Hillingdon.
  - f) One or both schools have PANs or are recruiting at below two forms of entry – making the individual schools relatively small and at risk of becoming unviable within the Hillingdon funding context.
  - g) Other pressures whereby the educational provision would be improved through amalgamation such as provision of SEN support, staff recruitment and retention or issues linked to the buildings.

## **Implementation**

20. Discussions, advice, reports, and consultations about school organisation matters will be led by the Head of School Place Planning on behalf of the Director of Education.
21. Progress towards amalgamation will be presumed unless the educational advantages set out in this policy would not be delivered by combining the two schools. Both school Governing Bodies will need to work with the Local Authority to address any concerns and plan the timescale for amalgamation. The London Borough of Hillingdon will consider using the powers available to it to require amalgamation if there is a pressing case for this and Governing Bodies are not addressing the matters.
22. Newly amalgamated schools retain both lump sums in the year of amalgamation and then get some protection for at least one year (two if Schools Forum and DfE agree) and can choose to plan a longer phasing in of different changes; such as to policies, use of the building or staff structures; in order to maximise benefits and avoid negative disruption to pupils.
23. When considering whether to convert to academy status all governing bodies of separate Infant and Junior schools are urged to consider amalgamation at the same time. The Local Authority will not support separate Infant and Junior conversions as it fails to deliver all the education, social and other benefits to pupils, parents and schools set out above. There are now two lone Infant schools and if they wish to join the Trust of their linked Junior school, this would be supported by the LA.

## **Legislative Framework**

24. Amalgamation involves making changes to the organisation of schools and this is governed by statutory processes that are detailed in the Department for Education

guidance booklet [Opening and Closing Maintained Schools](#). Section 3 of the document specifies that the process for amalgamating a linked Infant and Junior school requires that one or both schools undergoes a ‘technical’ closure. This requires a formal consultation on proposals led by the LA, working closely with the governing bodies to involve parents, staff, and other stakeholders.

25. In accordance with the Education and Inspections Act 2006 (“the 2006 Act”) the local authority has power to bring forward proposals to make changes to schools. Within these powers there are two routes for the local authority to achieve a combined school:
  - To extend the age range and expand the capacity of one school and to discontinue the other school.
  - To discontinue both schools and seek proposals for the establishment of an academy school.
26. When it is proposed to amalgamate schools under the terms of this amalgamation policy, the default position of the London Borough of Hillingdon will be to extend the age range and expand the capacity of one school and to discontinue the other school. This approach is adopted to ensure timely processes can be planned and to minimise any risk to the continuity of schooling.
27. When the trigger circumstance to amalgamate schools is the resignation of a headteacher, the local authority will usually discontinue the school where the headteacher has resigned and the vacancy occurs. The local authority considers that this provides a consistent and objective approach that does not imply any issue of underperformance or of take-over. The local authority will consider each case on an individual basis and consider any specific circumstances.
28. Whichever route is followed to establish the combined school, the governing body of the newly combined school must be representative of the former schools, with experience across Foundation Stage to Key Stage 2. If one school is closed and they do not have already have a federated governing body in place, the governing body of the other school whose age range is extended will reconstitute itself for the combined school to ensure that this representation is achieved.

## **The Statutory Process**

29. This section below, from the DfE guidance, sets out the stages of the statutory process. The statutory process below must be followed as set out by DfE in Opening and Closing Maintained Schools. The LA school Place Planning team will lead this for community schools and closely support Foundation schools.

### **Stage 1: Consultation**

30. It is a statutory requirement to consult any parties the proposer thinks are appropriate before publishing proposals under section 10 or 11 for new schools and for section 15 proposals to close a maintained school.
31. The proposer may use the consultation to consider a range of options for the future of a school (e.g. amalgamation, federation, or closure). However, the proposer must then publish specific proposals (see stage two of the statutory process below). It is these specific proposals setting out details of the new school or the school to be closed which can be commented on or objected to during the statutory representation period.
32. It is for the proposer to determine the nature and length of the consultation. It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. Proposers should have regard to the Cabinet Office guidance on Consultation principles when deciding how to carry out the consultation period.

## **Stage 2: Publication**

33. The proposer must publish the full proposal on a website along with a statement setting out:
  - how copies of the proposal may be obtained;
  - that anybody can object to, or comment on, the proposal;
  - the date that the representation period ends; and
  - the address to which objections or comments should be submitted.
34. A brief notice containing the website address of the full proposal must be published in a local newspaper and may also be published in a conspicuous place on the school premises (where any exist), such as at all of the entrances to the school.

## **Stage 3: Representation**

35. Proposers of a school closure should consult organisations, groups, and individuals they feel to be appropriate during the representation period (the information at Annex A can be used for examples).
36. The representation period starts on the date of publication of the statutory proposal and MUST last for four weeks. During this period, any person or organisation can submit comments on the proposal to the LA, to be considered by the decision-maker. It is also good practice for LAs to forward representations to the proposer (subject to any issues of data protection or confidentiality) to ensure that they are aware of local opinion.
37. The decision-maker will need to be satisfied that the proposer has had regard for the statutory process and must consider ALL the views submitted during the representation period, including all support for, objections to, and comments on the proposal.

## **Stage 4: Decision**

38. The LA will be the decision-maker on a school closure proposal, unless the closure proposal is 'related' to another proposal that is to be decided by the Schools Adjudicator.
39. The Schools Adjudicator will decide proposals for new schools made by the LA (and cases where the LA is involved in the trust of a proposed foundation school). The LA will decide proposals for new schools from other proposers.



## Actions and rough Timeline of key decisions – by both LA and schools

	Description
	Conclude informal discussions between Heads, governors and LA officers and other relevant stakeholders such as HR providers.
1	Full Governing Body decision to amalgamate.
2	Liaison with the Borough of Hillingdon over proposed amalgamation including agreeing Borough support/roles and responsibilities and process to seek Department for Education approval.
3	Informal consultation on proposed amalgamation with staff and unions (separate process for parents/carers and pupils). Acting Head Teachers, Governing Body representative, Borough Education Adviser and HR Consultant present.
4	If necessary, agree recruitment strategy for new Head Teacher & place advert.
5	London Borough of Hillingdon Cabinet Member approval <b>to propose</b> amalgamation LA will need to draft a Public Notice which will be sent to the West London Gazette (for publication on a Wednesday) and put up on the school site physically as part of the next step.
6	Formal 4-week consultation on proposed amalgamation with key stakeholders including staff, unions, parents/carers and pupils.  Consultation meetings held with staff/unions and parents/carers. Acting Head Teachers, Governing Body representative, Borough Education Adviser and HR Consultant present as appropriate.
7	If needed, selection process for new Head Teacher including short-listing, invitations to selection day(s), interview and selection processes.
8	Ratification of Head Teacher appointment by Full Governing Body.
9	Final decision on proposal to amalgamate subject to the issue of Statutory Notice by Borough of Hillingdon. <i>Once all the views and feedback of all stakeholders has been considered then this must be sent to the lead member to agree for LA approval as per DfE guidance.</i>  <i>If the decision is to proceed, the following steps apply. If the decision to remain as separate schools, then the process halts.</i> Where the LA is the decision-maker, within one week of making a determination they <b>MUST</b> publish their decision and the reasons for that decision being made on their website. They <b>MUST</b> arrange for notification of the decision and reasons for it to be sent to relevant parties.
10	Appointed Head Teacher* for the new primary school will review staffing structures for both schools in conjunction with Governing Body, Borough Education Adviser and HR consultant.
11	Head Teacher* in conjunction with Governing Body, Borough Education Adviser and HR consultant create the proposed staffing structure for the new primary school.

12	Head Teacher* in conjunction with Governing Body, Borough Education Adviser and HR consultant create or amend any new job descriptions for posts in the primary school.
13	Head Teacher* in conjunction with Governing Body, Borough Education Adviser and HR consultant produce a new primary school document covering staffing implications i.e. current and proposed staff structures and how the new structure will be implemented.
14	If there is a risk of redundancy, school** to declare a redundancy situation with advice and support of HR consultant meeting statutory and procedural requirements.
15	Head Teacher** in conjunction with the Governing Body and HR consultant to prepare invite letters to formal consultation meeting for staff and unions.
16	Head Teacher** to send the following documents to staff and unions, along with the invite letter to the formal consultation meeting: <ul style="list-style-type: none"> <li>1. new primary school consultation document explaining rationale for staffing changes</li> <li>2. current staff structures for both schools</li> <li>3. proposed new primary staff structure</li> <li>4. implementation timeline</li> <li>5. new job descriptions (where applicable)</li> </ul>
17	Formal consultation meeting with staff and unions. Head Teacher*, Governing Body representative, Borough Education Adviser and HR Consultant present.
18	End of formal consultation period (consultation period up to 4 weeks).
19	The Governing Body considers responses raised during the consultation period.
20	Governing Body formally responds to staff and unions to end of consultation and in response to any comments receive
21	Follow staff restructuring process as set out in consultation documents/school policies.
22	Amalgamation and associated primary school staff structure takes effect.

## ADDRESSING SURPLUS PRIMARY SCHOOL PLACES- OPTIONS TO CONSIDER

London Councils Place Planning Workshop – December 2021. Cate Duffy- Interim Director of Children's Services, Islington

Option	Opportunities	Risks
1. Financial advice to schools to reduce costs- e.g. staffing restructures	<ul style="list-style-type: none"> <li><input type="checkbox"/> May support school sustainability if action is taken in a timely fashion.</li> <li><input type="checkbox"/> Likely to be something all schools need to consider in a context of surplus places</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> LA may not have the expertise to provide advice- schools may not wish to accept</li> <li><input type="checkbox"/> Unlikely this will be enough by itself to sustain some schools if there is a large surplus in the area or where school already has significant falling rolls</li> <li><input type="checkbox"/> Staff reductions may impact more negatively on vulnerable children</li> <li><input type="checkbox"/> Any redundancies bring extra costs</li> </ul>
2. Partnerships – Federation or MAT	<ul style="list-style-type: none"> <li><input type="checkbox"/> May support wider school improvement objectives of school collaboration and system leadership</li> <li><input type="checkbox"/> May reduce costs through shared appts</li> <li><input type="checkbox"/> May improve popularity of a school if partner with more well regarded school</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Tends to increase not reduce costs – e.g. larger SLT</li> <li><input type="checkbox"/> Unlikely to be enough to sustain schools if there is a large surplus in the area or where an individual school already has significant falling rolls</li> </ul>
3. Additional provision to increase revenue – Early Years or SEND Resourced Provision (ARP)	<ul style="list-style-type: none"> <li><input type="checkbox"/> May provide additional revenue</li> <li><input type="checkbox"/> May improve popularity</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Early years numbers likely to be low if birth rate falling</li> <li><input type="checkbox"/> Costs of SEND provision may be higher than income</li> <li><input type="checkbox"/> Schools with falling rolls may not have the right culture and expertise to support SEND provision and may not be popular with parents of children with SEND- therefore decisions on ARP must be driven by the needs of SEND children</li> </ul>
4. Co-location with other services e.g. libraries	<ul style="list-style-type: none"> <li><input type="checkbox"/> May provide additional revenue and support running costs</li> <li><input type="checkbox"/> May provide additional curriculum opportunities for children e.g. library</li> <li><input type="checkbox"/> May enhance position of school as heart of community</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Unlikely this will be enough by itself to sustain some schools if there is a large surplus in the area or where school already has significant falling rolls</li> <li><input type="checkbox"/> May be practical challenges in separating space and ensuring safeguarding</li> </ul>
5. Co-location with another school	<ul style="list-style-type: none"> <li><input type="checkbox"/> May reduce running costs for both schools- efficient use of one site/facilities</li> <li><input type="checkbox"/> May allow school in poor quality buildings to move to better quality</li> <li><input type="checkbox"/> May free up a school site in location which supports wider council objectives/services</li> <li><input type="checkbox"/> Minimal redundancies</li> <li><input type="checkbox"/> May encourage collaborative working</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Disruptive for all staff and students but particularly the school that is moving</li> <li><input type="checkbox"/> May be unpopular with parents at one or both schools</li> <li><input type="checkbox"/> Requires culture shift by both schools to share space which may be challenging</li> <li><input type="checkbox"/> Risk that empty site may be taken for Free school (likely to be much reduced if area has surplus places and good outcomes)</li> </ul>

6. PAN Reduction	<input type="checkbox"/> Largely uncontroversial <input type="checkbox"/> Achieves reduction of places to reduce impact of falling rolls <input type="checkbox"/> Capacity can quickly be brought back if demand increases	<input type="checkbox"/> Requires 2 year lead in for perm reduction <input type="checkbox"/> Creates more smaller schools- reduces parent choice and may be more financially insecure <input type="checkbox"/> Stops the tap but takes 7 years for full effect
7. Merger with PAN reduction- 1 school closes by default	<input type="checkbox"/> Achieves immediate PAN reduction across all year groups <input type="checkbox"/> Timescale about 1 year but can be implemented up to 3 years later allowing more children to work through original school <input type="checkbox"/> All children from one school move together – less disruptive for them and more acceptable to parents <input type="checkbox"/> Children likely move from an unviable school which may not be able to provide best quality education to newly merged school which is likely to be financially sustainable	<input type="checkbox"/> Likely to be unpopular with the community of at least one school and therefor politically challenging <input type="checkbox"/> Risk that empty site may be taken for Free school (likely to be much reduced if area has surplus places and good outcomes) <input type="checkbox"/> Redundancies likely
8. School closure	<input type="checkbox"/> Achieves immediate PAN reduction across all year groups <input type="checkbox"/> Timescale about 1 year but can be implemented up to 3 years later allowing more children to work through original school <input type="checkbox"/> Most children moving from closed school likely to move to other LA schools with spaces and therefore improve their viability	<input type="checkbox"/> Very disruptive for children attending closed school – lose likely to separate from friends, progress likely to be negatively impacted particularly for the most vulnerable <input type="checkbox"/> Influx to neighbouring schools may be hard to manage and have negative impact on quality of education <input type="checkbox"/> Likely to be unpopular with the community of at least one school and therefor politically challenging <input type="checkbox"/> Risk that empty site may be taken for Free school (likely to be much reduced if area has surplus places and good outcomes) <input type="checkbox"/> Redundancies likely

## NOTES

- ☐ These options are not mutually exclusive. Areas with a large surplus may need to consider all of them.
- ☐ All options will require discussion with the RSC and Diocesan Board in the case of academies and faith schools. In the case of academies the RSC is the decision maker and therefore the LA must lead by influence
- ☐ Objections to PAN Reductions/School Closure can be raised with the Schools Adjudicator who has the power to overrule
- ☐ Under Section 77 of the School Standards and Framework Act 1998, local authorities are required to apply for the consent of the Secretary of State for Education to dispose of, or change the use of, land used for maintained schools and academies. The Secretary of State must first consider the potential for the land to be used by an existing or potential Academy(Free School).