

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Implementation of the amalgamation of Parklands Infant and Parklands Junior schools
<b>Cabinet Member:</b>	Councillor Robert Benham: Deputy Leader of the Council, Cabinet Member for Education, Children & Families
<b>SLT Lead:</b>	Robert South, Director of Children's Services
<b>Report Author and contact details:</b>	Pooneeta Mahadeo School Organisation Manager <a href="mailto:pooneeta.mahadeo@havering.gov.uk">pooneeta.mahadeo@havering.gov.uk</a> Tel: 01708 431092
<b>Policy context:</b>	We believe all-through primary schools (infant and junior school aged children in one primary school), deliver better continuity of learning as the model for primary phase education in Havering. When the opportunity arises we will either amalgamate separate infant and junior schools into a single primary school or federate the schools.
<b>Financial summary:</b>	Implementation of this proposal has no capital funding implication.  For revenue funding, the proposal will result in a phased annual reduction in Havering's allocation of Dedicated Schools Grant equal to one lump sum (currently £127,547). This reduction in the school's funding can be managed through the achievement of operational cost savings. There are no implications for the Council's General Fund.

**Key Executive Decision**

<b>Reason decision is Key</b>	Significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
<b>Date notice given of intended decision:</b>	5 May 2021
<b>Relevant OSC:</b>	Children and Learning
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

***Place an X in the [] as appropriate***

**Part A – Report seeking decision**

**DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

To make a decision on the amalgamation proposal of Parklands Infant and Parklands Junior schools as set out in the Decision-maker guidance – Appendix 1

1. To approve the statutory proposal:

- (a) To lower the age range of Parklands Junior School to 2 - 11 years, thereby becoming a primary school;
- (b) The enlargement of the premises of the school from 1 September 2021

2. To approve the statutory proposal to discontinue Parklands Infant School on 31<sup>st</sup> August 2021.

**AUTHORITY UNDER WHICH DECISION IS MADE**

Part 3, Section 3.5.3, under paragraph (mm) School organisation, funding and governance of the Constitution gives the Assistant Director of Education Services the responsibility to:

(iii) Keep under review school organisation, including monitoring demographic and other social changes and to take all necessary action and make any determinations in relation to the proposals for the establishment, alteration, amalgamation or discontinuance of schools.

**STATEMENT OF THE REASONS FOR THE DECISION**

A non-key decision was made on 05/03/2021 to publish a statutory notice regarding the proposal to discontinue Parklands Infant School and expand Parklands Junior School ("the amalgamation proposals"). A statutory notice that included details of the proposals was published in the Romford Recorder on 16 April 2021; notices were also fixed to the entrances of the schools and circulated to all interested parties. A Notice was also published on the Council's website with a link to further information about the proposals. The representation stage, from 16 April to 14 May 2021, complied with statutory requirements by inviting representations from all interested parties on the proposal.

One representation was received

'I am writing on behalf of NEU members in the infant school. I recognize that the amalgamation is going to go ahead and the statutory notice makes it clear that the new school will come into existence on the 1<sup>st</sup> of September. However, if NEU members in the infant school wait until then for consultation on the changes they will have no influence on the structures and policies of the new school.

### **Key Executive Decision**

They have voted in favour of conducting an indicative ballot (which if successful) will be quickly followed by a formal ballot. There will be strike action before the end of the summer term unless there are positive and constructive discussions with someone who can represent this new school.

I have reproduced below the motion passed by members and which enables us to take the issue to the union's action committee.

'The NEU members of Parklands Infant school do not consider the consultation over amalgamation with Parklands junior school as adequate or complete. There is no information about a future staff structure. There have been no satisfactory assurances re redundancies or job roles or TLR responsibilities or the budget of the new school from the local authority. The new school does not yet exist, but no one is taking any responsibility for what it might look like. Any requests for information from the chair of governors in the junior school have been ignored.

If we wait until everything is decided, we will have no influence over the staffing structure or future SEN policy, or any redundancies planned. And HR services will be decided by the school regardless of staff feeling on the matter. We are prepared to support a ballot for discontinuous strike action, if meaningful consultation on these outstanding matters is not put in place during the summer term.'

LA comments:

Any change in structure and policies will be undertaken by the Governing Body of the enlarged Junior School ("the new primary school") and will be subject to consultation. Due to concerns raised by the Infants GB regarding not having access to all relevant documentation in a timely fashion the LA extended the consultation for a further 2 weeks until 1 Feb 2021.

Both school budgets were shared with the Union rep on the 20/01/2021 and it was explained that there's no budget for the new primary school until the amalgamation proposals had completed as a final decision is yet to be taken. Any change to structure or school policies can only take place once the proposals for the new primary school are implemented and it is the governing body of the new primary school which will be responsible for such changes.

The NEU is threatening to ballot for industrial action. There are statutory requirements that must be met if the action is to be lawful. The first requirement for a properly organised ballot is to notify the employer of the ballot.

The union must organise the ballot and send the following to the employer of any employees who are entitled to vote:

- a notice of ballot, not later than seven days before the ballot
- a copy of the voting papers not later than three days before the ballot to the employer

At this stage there has been no breach of these requirements.

It will depend on how the trade dispute is framed, but it may be that there is a potential breach if the dispute is about future breaches by the new school administration. If this is the case the Council would be able to get an injunction. However, more consultation with the NEU representatives and their affected members would be advisable to avoid strike action if possible.

**Key Executive Decision**

**OTHER OPTIONS CONSIDERED AND REJECTED**

None

**PRE-DECISION CONSULTATION**

One representation was received within the 4 weeks representation period of the statutory notice.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 27/05/2021

**Part B - Assessment of implications and risks**

**LEGAL IMPLICATIONS AND RISKS**

Under Regulation 5 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110 an enlargement of the school premises which increases capacity by either (a) more than 30 pupils; or (b) by 25% or 200 pupils (whichever is the lesser), and any change in the age range needs to go through the statutory notice procedure. In this case the proposals required publication as Parklands Junior School will

- (a) Lower the age range of the school to 2 to 11 years, thereby becoming a primary school.
- (b) Enlarge its premises

It is also proposed to discontinue Parklands Infant school. Likewise the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013/3109 require a statutory notice procedure which in the context of this amalgamation was combined with the enlargement proposals.

The Decision maker should carefully take into consideration the Decision Maker's guidance and should pay careful regard to the responses received before making a determination.

The publication of proposals and the proposed recommended action are lawful.

Whilst strike action has been threatened by the NEU this is only relevant to the decision insofar as it is a representation which must be considered.

**FINANCIAL IMPLICATIONS AND RISKS**

There are no Capital funding implications of these proposals.

**Revenue implications**

If implemented, the proposal will result in a phased reduction in the funding allocated to the school up to a maximum of £127,547 (current rate) after two years with a corresponding reduction in Havering's allocation of funding from the DfE from the Dedicated School Grant. The reason for the reduction is that the schools funding formula will allocate only one lump sum rather than two, all other funding factors being pupil led. The school will, however, be able to achieve operational savings in managing a single budget as a single primary school rather than as separate infant and junior schools. There are no implications for the Council's General Fund.

**HUMAN RESOURCES IMPLICATIONS AND RISKS  
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The human resources implications for the schools to be proposed for amalgamation will be managed by the schools themselves supported when required by HES HR.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA has been carried out and the proposals in this report have been assessed as having a positive impact on groups with a protected characteristic – Appendix 2

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The EqHIA indicates that the impact of this activity will have a positive impact on groups with a protected characteristic. No children would be displaced when both schools amalgamate. The proposal would give the opportunity to further improve educational standards by enabling planning as a coherent whole across the primary phase of the national curriculum, providing greater flexibility across and between key stages. The appointment of only one headteacher would consolidate the savings to be realised and provide stability in the primary school for the foreseeable future. The single admission process will have a positive impact on the parental mental health.

### **BACKGROUND PAPERS**

Appendix 1 – Decision maker guidance  
Appendix 2 - EqHIA

Key Executive Decision

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

**Proposal agreed**

*Delete as applicable*

~~Proposal NOT agreed because~~

**Details of decision maker**

Signed: 

Name: **Councillor Robert Benham**

Cabinet Portfolio held: **Education, Children & Families**

CMT Member title:

Head of Service title

Other manager title:

Date: **10 June 2021**

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_