

**HERTFORDSHIRE COUNTY COUNCIL**

**EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL  
TUESDAY, 17 APRIL 2018 AT 10:00AM**

**FUTURE OF TOWER PRIMARY SCHOOL, WARE**

*Report of the Director of Children's Services*

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Executive Member: Terry Douris

Local Member: David Andrews (Ware North)

**1. Purpose of report**

To agree the future arrangements and finances required for managing Tower Primary School, Ware in order for the Ivy Learning Trust Board to approve sponsorship.

**2. Summary**

- 2.1 In March 2017 Tower Primary School ("the School") in Ware was judged by Ofsted to be Inadequate. The School is a maintained 2 to 11 years school and has a current roll of 138 pupils (as of January 2018) out of a total capacity of 210 pupils in reception through to year 6. The School is therefore currently only 66% full and has modest reserves for 17-18 financial year.
- 2.2 Since the School has been judged by Ofsted to be Inadequate, the Secretary of State for Education is required to issue an Order directing its conversion to Academy status under Section 4 of the Academies Act 2010 ("the Act").
- 2.3 Discussions were held by the Regional Schools Commissioner on behalf of the Secretary of State for Education with a number of academy trusts already operating within Hertfordshire but no suitable solution was found. As a result, the Ivy Learning Trust based in Enfield was approached by the DfE to sponsor Tower Primary School, Ware.
- 2.4 Initial discussions between the County Council and the Ivy Learning Trust board were positive and the Ivy Learning Trust board has approved in principle the sponsorship of the School.

### **3. Recommendations**

3.1 Panel is invited to recommend to Cabinet that Cabinet agrees:

- (i) that the County Council conclude an agreement with the Ivy Learning Trust Board around the sponsorship of Tower Primary School, Ware as set out in the Part II report.
- (ii) to delegate to the Director of Children's Services, in consultation with the Executive Member for Education, Libraries and Localism, to agree the required terms and conditions required for the agreement between the County Council and Ivy Learning Trust Board with regards the sponsorship of Tower Primary School, Ware.
- (iii) that the County Council provide Tower Primary School, Ware with £37,000 of additional capital funding to deal with outstanding building condition and ICT issues.
- (iv) that an application for an in-year variation to the school's Published Admission Number to reduce it to 15 in September 2019 will be made to the Office of the School Adjudicator.
- (v) that the financial contributions required are to be agreed by the Director of Resources, in consultation with the Director of Children's Services and the Executive Members for Resources, Property and the Economy and for Education, Libraries and Localism.

Panel is asked to Note:

- (i) That there is a target conversion date of September 2018.

### **4. Background**

4.1 Meetings have been held between the County Council, the (DfE) Academies Regional Delivery Group and the Ivy Learning Trust where the following options were considered:

- a. To close the School immediately.
- b. To close the School to new pupils.
- c. Sponsorship of the School by the Ivy Learning Trust.

4.2 In Section 5, below, options a, b and c are considered in some further detail.

4.3 In the interim, following a meeting between the County Council and the Ivy Learning Trust in December 2017 it was agreed that Ivy Learning Trust would commit to short term support (until September 2018) by providing school improvement support, including strong leadership, for two terms during which the School would continue to be a maintained school. At the same time the Ivy Learning Trust and the County Council would work together to restructure the School to prepare it for future financial viability, with the Ivy Learning Trust looking to sponsor the School to become an academy.

4.4 The following action has now taken place:

- An Acting Head of School has been appointed by the Ivy Learning Trust and is now working in the School.
- The Ivy Learning Trust has produced a Raising Achievement Plan (school improvement plan) with costings based on the Ofsted and Statement of Action report. Implementation of the Raising Achievement Plan began at the start of spring term i.e. January 2018 and the progress of work undertaken has been significant. Leadership presence is evident across the school and a full-time Head is having a positive impact. Standards including teaching across the school are being addressed and training has been provided to staff across a number of areas including English, maths, safeguarding, and mindfulness.

## 5. Feasibility of closure of the School in the context of supply and demand for school places

5.1 There are currently 138 on the school roll at School, broken down as follows:

| School Name   | Number On Roll | R  | 1  | 2  | 3  | 4  | 5  | 6  |
|---------------|----------------|----|----|----|----|----|----|----|
| Tower Primary | 138            | 22 | 15 | 20 | 21 | 25 | 14 | 21 |

5.2 Applications for reception 2018 are very low with only 6 having the School as their first preference (5 of these are siblings) and 19 naming it somewhere in their list of preferences. These figures compare to 15 as first preference and 28 altogether having the School in their list of preferences for last year. At this stage it is not thought that there will be any Non Ranked Allocations to Tower Primary School as there will be a surplus of places in Ware.

5.3 Officers and the Ivy Learning Trust have therefore also agreed that an application for an in-year variation to the school's PAN be made to the Office of the School Adjudicator to reduce it to 15 in September 2019 to support the sustainability of the school whilst it recovers from consecutive low intakes.

5.4 The Ivy Learning Trust is confident that it will be able to increase the reception intake back to 30 after two years of their sponsorship especially in light of the fact that there are well in excess of 15 children who live closer to Tower Primary School than any other school.

5.5 The alternative to the Ivy Learning Trust sponsoring Tower Primary school is closure which we believe is not feasible for a number of reasons including complications around accommodating the children in other schools particularly in terms of travel and the loss of places for children moving in-year to the Ware area and also in the longer-term when significant new housing development is being planned. The cost would not be insignificant as the Council would need to consider bulge classes in neighbouring schools based on providing

additional temporary accommodation with the total likely to be in the region £600,000.

- 5.6 Officers forecast for Ware for 2018/19 is 38 surplus places out of the 285 available. Please see Table A below.

**Table A: Showing Reception Place pupil number demand forecast for Ware Town using 2017/18 census data**

| 8.3        | Ware Town                            | Interim Forecast - Primary Schools |                |                |                |                  |                  |                  |
|------------|--------------------------------------|------------------------------------|----------------|----------------|----------------|------------------|------------------|------------------|
| School No  | School                               | PAN                                | 2015/16 Actual | 2016/17 Actual | 2017/18 Actual | 2018/19 Forecast | 2019/20 Forecast | 2020/21 Forecast |
| 305        | Christ Church CoE (VA)               | 45                                 | 45             | 44             | 44             |                  |                  |                  |
| 306        | St Mary's (VC) CofE Junior           | 0                                  | 0              | 0              | 0              |                  |                  |                  |
| 307        | St Catherines Primary*               | 60                                 | 57             | 57             | 49             |                  |                  |                  |
| <b>309</b> | <b>TOWER PRIMARY</b>                 | <b>30</b>                          | <b>25</b>      | <b>22</b>      | <b>24</b>      |                  |                  |                  |
| 310        | Priors Wood Primary                  | 30                                 | 30             | 31             | 25             |                  |                  |                  |
| 311        | Kingshill Infant                     | 60                                 | 60             | 60             | 56             |                  |                  |                  |
| 312        | Sacred Heart Catholic Primary        | 30                                 | 30             | 30             | 30             |                  |                  |                  |
| 316        | St. John the Baptist                 | 30                                 | 30             | 28             | 24             |                  |                  |                  |
|            | Actual Number on Roll                |                                    | 277            | 272            | 252            |                  |                  |                  |
|            | Number of Reception Places Available | 285                                |                |                |                | 285              | 285              | 285              |
|            | Demand                               |                                    |                |                |                | 247              | 241              | 240              |
|            | Surplus/Shortage                     |                                    |                |                |                | <b>38</b>        | <b>44</b>        | <b>45</b>        |
|            | % Surplus/Shortage                   |                                    |                |                |                | 13.3%            | 15.4%            | 15.8%            |
|            | No of FE                             |                                    |                |                |                | 1.3              | 1.5              | 1.5              |

- 5.7 However, the situation with regard to places is usually tight with the forecast generally lower than the actual demand historically. Ware children normally attend Ware schools with more children coming into the area than leaving. There are in fact well in excess of 15 children who live closer to Tower Primary School than any other school (53 children in 2018, 49 in 2019, 56 in 2020 and 47 in 2021).

- 5.8 Whilst it can be seen that in the short and medium term there are surplus primary places in Ware, in the longer term major housing development to the North of Ware will lead to a requirement for new places. In the first instance officers would expect that to be met by a new school within the new development area.

#### **Impact of closure of the School**

- 5.9 If the School were to be closed during the next academic year, officers would not expect an immediate and acute shortage of reception places. However, the key challenge lies in accommodation of existing children in older year groups, currently within Tower Primary School. Table B below shows the 'surplus capacity' in each Ware primary school from reception through to year 6. There are not enough spaces in every year group to accommodate the pupils if Tower Primary School was closed with the current years 1, 2, 3 and 4 being an issue.

- 5.10 To deal with this, in the event of closure, there are two theoretical options, which are not mutually exclusive. Firstly, the County Council would need to consider bulge classes in neighbouring schools for year groups 1, 2, 3 and 4 based on providing additional temporary accommodation. There is not the physical capacity to absorb bulge classes onto one site, so classes would need to be absorbed into different sites, potentially causing an issue for siblings that would be located to different sites. There are considerable site constraints at primary schools in Ware, so there is no guarantee that the option of providing additional temporary accommodation would be deliverable. Importantly, it is not at all clear that existing schools in Ware would be willing to accept expansion in such circumstances, given the potential negative impacts of this on their schools. The costs of this arrangement are likely to be of the order of £600,000 in additional temporary accommodation costs, to the extent that full provision in this way is eventually proved feasible.
- 5.11 An alternative method to manage the closure of the School would be to disperse children to Ware in the first instance with the remaining capacity dispersed to village schools in the area. There are 138 children at the School and a total of 158 school places across the area including outlying villages up to ten miles away. The distribution of places by age-group does not match the distribution of spaces needed, most particularly in year 4. The educational impact of dispersing handfuls of children per class to so many schools is considered detrimental to the education of all children in the area. This strategy would also fill many schools leaving few spaces and meaning that children moving in to the area may have to travel considerable distances to schools- ten of the children from the School would need to travel over 9 miles. Clearly this raises a number of issues for the very youngest children. It is also likely that some of the schools will be under pressure with the upcoming Gilston/'Harlow North' development where schools will not be built until an unknown, but assumed high, number of families will require school places.
- 5.12 The infrastructures of village schools receiving the pupils would require additional investment in both in terms of capital and revenue. Village schools operate at equilibrium and are not geared towards being full. Many operate a vertical teaching structure and the impact of a significant influx of pupils in disparate age groups would be significant both in terms of investment that would be needed from Herts for Learning (HfL) to support standards during a period of significant change, additional staffing and classroom resources. It is likely that some form of significant transport costs would also be incurred. This option is therefore considered most undesirable given detrimental impact to education, the loss of any school places for children moving-in to the area.

**Table B- School Vacancies in surrounding schools excluding Tower**

| School Name   | Parish           | Distance to Tower (miles) | Year Group |           |           |           |          |           |           | Total      |
|---|------------------|---------------------------|------------|-----------|-----------|-----------|----------|-----------|-----------|------------|
|   |                  |                           | YR         | 1         | 2         | 3         | 4        | 5         | 6         |            |
| Priors Wood Primary School                            | Ware             | 0.4                       | 3          | 0         | 0         | 1         | 1        | 2         | 1         | 8          |
| Christ Church (C of E) VA Primary & Nursery           | Ware             | 0.5                       | 0          | 2         | 0         | 0         | 0        | 6         | 0         | 8          |
| St Mary's (VC) C of E Junior School                   | Ware             | 0.7                       |            |           |           | 0         | 0        | 0         | 0         | 0          |
| Kingshill Infant School                               | Ware             | 0.8                       | 1          | 1         | 0         |           |          |           |           | 2          |
| Sacred Heart Catholic Primary                         | Ware             | 1.2                       | -1         | -1        | 1         | 0         | 0        | -1        | 1         | -1         |
| St Catherine's (C of E) Primary School                | Ware             | 1.2                       | 10         | 0         | 1         | 4         | -1       | -3        | 3         | 14         |
| Thundridge Primary School                             | Thundridge       | 2.3                       | 7          | 4         | 2         | 1         | 0        | 3         | 2         | 19         |
| St Andrew's C of E (V C) Primary                      | Stanstead Abbots | 2.8                       | 0          | 0         | 2         | 0         | 0        | 0         | 1         | 3          |
| Wareside C of E Primary School                        | Wareside         | 2.9                       | 4          | 0         | 2         | 3         | 1        | 2         | 0         | 12         |
| Puller Memorial C of E Voluntary Aided Primary School | Thundridge       | 3.3                       | 8          | 5         | 8         | 4         | 7        | 5         | 6         | 43         |
| Widford Primary School                                | Widford          | 4.6                       | 3          | 2         | -2        | 2         | 0        | 0         | 2         | 7          |
| Hunsdon JMI School                                    | Hunsdon          | 5.6                       | -5         | -1        | 0         | 0         | -3       | 0         | 0         | -9         |
| St Andrew's C of E Primary and Nursery                | Much Hadham      | 6.7                       | 12         | 8         | -1        | 3         | -2       | -2        | 5         | 23         |
| High Wych C of E Primary School                       | High Wych        | 9.6                       | -2         | 0         | -1        | 1         | 0        | 3         | -1        | 0          |
| Watton-at-Stone Primary and Nursery School            | Watton-at-Stone  | 9.7                       | 0          | 0         | 0         | 0         | 0        | 0         | 0         | 0          |
| Little Hadham Primary School                          | Little Hadham    | 10.2                      | 10         | 4         | 3         | 0         | -3       | 1         | 0         | 15         |
| <b>Total</b>  |                  |                           | <b>50</b>  | <b>24</b> | <b>15</b> | <b>19</b> | <b>0</b> | <b>16</b> | <b>20</b> | <b>144</b> |

**Progressive closure of the School, to new pupils**

5.13 The option of closing the School to new pupils has not been considered in great detail. However, this would be a poor option for the children at the School. The School would find it hard to recruit staff and even harder to maintain a strong vision for the future. Moreover, it would be impossible to operate it in an acceptable way without an appreciable financial deficit; and this would very likely be greater than the deficit that would emerge under Ivy Learning Trust management, because of the lack of economies of scale that would become progressively worse. In any event, the Regional Schools Commissioner might well choose to direct the County Council to undertake an early closure in any case.

### **Sponsorship by the Ivy Learning Trust**

- 5.14 Since December 2017, extensive discussions have taken place between the County Council and the Ivy Learning Trust. In these discussions officers have been pursuing four objectives:
- The best education for the children currently at the School
  - No adverse impact on the quality of education in other local schools
  - That the local community has a choice of school places available of an appropriate quality, now and for the future
  - A solution for the School with the minimum financial cost to the County Council.
- 5.15 There is little doubt that the first three of these objectives would be best met by a successful sponsorship of the School by the Ivy Learning Trust. The Ivy Learning Trust board has approved in principle the sponsorship of the School and we have now reached a preliminary agreement with the Ivy Learning Trust. The main issues for debate within the discussions to date have been round the financial cost to the County Council.
- 5.16 Given the adverse educational consequences of seeking to close the School immediately, as well as the major practical difficulties and unquantifiable costs and feasibility of dispersing existing pupils, it is therefore proposed to go forward to seek to agree a sponsorship deal with the Ivy Learning Trust.
- 5.17 It should be noted that this may not be accepted by the Regional Schools Commissioner, in which case our expectation would be that closure would become likely.

## **6. Financial implications**

- 6.1 Details of the financial implications are contained in the Part II report and for capital expenditure in paragraph 3.1 of this report.

## **7. Equality Implications**

- 7.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the Equality implications of the decision that they are making
- 7.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EQiA) produced by officers.
- 7.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b)

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

- 7.4 There will be sufficient places within Tower Primary school, even with a reduced PAN of 15, to accommodate all the first choice preferences for reception 2018 and additional requests for places, including for children with SEN. In addition, in the event that the proposal is taken forward the School's admissions policy will not change and Officers are of the view that the objectives noted in paragraph 5.9 will be met. Officers have therefore concluded that the proposal would allow the County Council to discharge its duties under Section 149 of the Equality Act.

*Background Information*

*None.*