



## Key Decision Report of: Corporate Director of Children's Services

	Date	Ward(s)
Urgent Key Decision	14 December 2016	All

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## REASON FOR URGENCY

This report is urgent and will be considered in accordance with paragraph 92 of Part 4 of the Council's Constitution.

The Corporate Director of Children's Services is proposing to make an urgent key decision on the Governing Body of Mount Carmel Catholic College for Girls' proposal to close the school. The Council has to take its decision on the closure decision by 2 January 2017 otherwise it has to be referred to the Schools' Adjudicator for decision. The next meeting the Executive is not until 19 January 2017.

## **SUBJECT: Mount Carmel Catholic College for Girls (Holland Walk, Duncombe Road, N19 3EU - Proposal to close the school**

### **1 Synopsis**

- 1.1 Mount Carmel Catholic College for Girls is a voluntary aided secondary school. The school has a capacity of 700 pupils. Pupil numbers have fallen at Mount Carmel over the last five years. This is against the trend in Islington as a whole. There are currently a total of 351 (50%) vacant places across the school (based on November 2016 live census data)
- 1.2. The school has a balanced budget for 2015/16. However, current financial projections indicate that the school will be in deficit in 2016/17. A further drop in funding is projected to be significant due in large part to the falling roll.

- 1.3 At its meeting on 14 September 2016, the Governing Body of Mount Carmel Catholic College for Girls considered the position of the school going forward in the light of no foreseeable increase in pupil numbers and the forecast budget deficit position for 2016/17 and future financial years and resolved to publish a statutory notice proposing the closure of the school.
- 1.4 The purpose of this report is to seek the council's determination on the proposal for the closure of the school. The council is the decision maker for this proposal in accordance with the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

## **2 Proposed decisions**

- 2.1 To consider the information contained in this report on the statutory proposal to close Mount Carmel Catholic College for Girls including the comments and objections received in response to the published closure proposal
- 2.2 To approve the proposal for the closure of Mount Carmel Catholic College for Girls without modification with effect from 31st August 2017
- 2.3 To note that a new non-denominational co-education secondary academy is planned to open on the Mount Carmel school site on 1<sup>st</sup> September 2017

### **Date the decision is to be taken**

23 December 2016

### **Forward Plan**

The decision has been included in the Forward Plan

## **3 Background**

### **Proposal to close Mount Carmel Catholic School for Girls**

- 3.1 Mount Carmel Catholic College for Girls has experienced falling pupil numbers for a number of years. The school has a capacity of 700 pupils but at the time of writing this report there are only 349 pupils on the roll.
- 3.2 The current and projected roll, including information from the Diocese of Westminster, indicates that a girls' only Catholic school is not viable in the Archway area. There is not a sufficient demand for Catholic girls' places to sustain the school.
- 3.3 The Governing Body of Mount Carmel Catholic College for Girls has a responsibility to ensure that the school delivers the curriculum and sets a balanced budget each year. The Governing Body has strived over the last few years to ensure that the school delivers a good education for its pupils notwithstanding a falling role and decreasing financial resources.
- 3.4 The Governing Body of the School met on 1<sup>st</sup> February 2016 to consider the future of the school in the light of its financial position going forward in the light of no foreseeable increase in pupil numbers, less financial resources and increased costs.

- 3.5 The Governing Body considered that the school could not reduce costs further and continue to deliver a suitable broad curriculum and good standard of education for its pupils. Accordingly the Governing Body resolved to publish a statutory notice proposing the closure of the school at the end of August 2017.
- 3.6 In reaching its decision to publish the closure proposal, the Governing Body were aware of the proposal to establish a new non-denominational co-education secondary academy on the Mount Carmel School site from 1<sup>st</sup> September 2017 and that the academy would accept all existing Mount Carmel pupils and offer employment to all Mount Carmel School staff.
- 3.7 A copy of the closure proposal published by the Governing Body is attached at Appendix 1.

### **Statutory Closure Process**

- 3.8 The statutory process for closing a maintained school in sections 15, 16 and Schedule 2 to the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and has five stages as follows:

<b>Stage 1</b>	<b>Consultation (section 16)</b>	This is the start of the process when the Governing Body / local authority (as the case may be) provide information about what is being proposed, consult informally those organisations, groups and individuals they feel to be appropriate and gather their views in order to help develop their proposals. This period usually lasts for a minimum of 6 weeks
<b>Stage 2</b>	<b>Publication (section 15 and Regulations 11 and 12)</b>	Publication of the statutory notice and closure proposal. The closure proposal has to be published on the governing body's website and contain the prescribed information, The notice must be published in a local newspaper and displayed at the school entrances and gives details of how copies of the proposal can be obtained and where objections and comments should be sent and the closing date for their receipt.
<b>Stage 3</b>	<b>Representation (Regulation 13)</b>	This is the formal consultation stage and runs for a period of 4 weeks from the date of publication of the statutory notice inviting interested parties to submit objections and comments to be taken into account by the decision maker.

<b>Stage 4</b>	<b>Decision (Schedule 2)</b>	The decision maker (the local authority) decides whether or not to close the school taking into account all the objections and comments received during the representation period.
<b>Stage 5</b>	<b>Implementation</b>	The closure date must be specified in the notice required to be published by the decision maker following the closure decision. The Governing Body must implement the proposal in the form approved

3.9 The Governing Body of Mount Carmel Catholic College for Girls published the statutory notice for closure of the school in the Islington Gazette and Tribune on 28 September 2016. The notice was also displayed at the school entrances. The closure proposal was published on the school's website and a copy sent to the Council.

#### **Representations relating to the Closure Proposal**

3.10 The representation period ended on 2<sup>nd</sup> November 2016. The Governing Body received seven responses to the proposal to close the school.

3.11 A summary report of the consultation process and issues raised in the representations received are attached at Appendix 2:

#### **Decision Making Process**

3.12 The Council, as the local education authority, is responsible for determining the Governing Body's closure proposal. Such decision has to be made within 2 months of the end of the representation period.

3.13 In reaching its decision on the proposal to close Mount Carmel Catholic College for Girls, the council must have full and proper regard to the representations received and to the department for Education's statutory guidance entitled 'Guidance for decision-makers (April 2016).

3.14 When reaching its decision, the Council may:

- reject the closure proposal;
- approve the closure proposal without modification;
- approve the closure proposal with such modifications as the council thinks desirable after consulting the Governing Body;
- approve the closure proposal (with or without modifications) subject to certain pre-conditions being met.

## Matters to be considered in determining the Closure Proposal

### 3.15 Financial viability of Mount Carmel Catholic College for Girls

Mount Carmel Catholic College for Girls is struggling financially and the Governing Body has worked hard to reduce costs and set a balanced budget. However, eradication of the deficit would require the school to reduce staffing to a level that would be insufficient to deliver an appropriate curriculum to its pupils.

3.16 The financial position of the school over the last 2 years and the projected position for 2016/17 is set out in the table below:

Year	2014/15	2015/16	2016/17 (Projection)
	£	£	£
Total expenditure	4,153,264	3,907,872	3,899,270
Total funding	4,042,742	3,901,606	3,547,036
Budget surplus/ (deficit)	-110,522	-6,266	-352,235
Balances carried forward	531,660	421,138	414,873
Estimated balances carried forward	421,138	414,873	62,638

3.17 During the previous two years the school has been using in-year balances to off-set against the falling roll. This is not financially sustainable.

3.18 The Governing Body have considered all options but are unable to produce a viable action plan to bring the budget back into balance based on current and projected falling roll. Accordingly the school is no longer financially viable.

### 3.19 Pupils on roll at Mount Carmel Catholic College for Girls (current and projected)

The table below shows the number of pupils in each year group at the school as at November 2016:

Year group	Admission number	Actual number	Shortfall	% surplus
Year 7	140	52	-88	63%
Year 8	140	70	-70	50%
Year 9	140	74	-66	47%
Year 10	140	66	-74	53%
Year 11	140	87	-53	38%
<b>TOTALS</b>	<b>700</b>	<b>349</b>	<b>-351</b>	<b>50%</b>

3.20 Currently the school has 351 (50%) surplus places.

### **Pupil Secondary place requirements in Islington**

#### **3.21 Displaced Pupils**

It is anticipated that most existing pupils at Mount Carmel Catholic College for Girls will transfer to the new co-educational non-denominational academy which is planned to open on the existing school site at the beginning of September 2017 in the event of a decision to close the existing school.

3.22 The Diocese of Westminster has agreed to support those parents who want their daughters to continue to be taught in a catholic school, to find places at alternative catholic schools in neighbouring boroughs. To date requests received by the Diocese of Westminster to transfer to other schools stands at 24 out of a current roll of 349. All students have been successfully transferred.

#### **3.23 Impact on Parental Choice**

There will be an impact on parental choice for parents in Islington as there are no other catholic girls' secondary schools. However, there are such schools available in Hackney and Enfield within four miles distance from Mount Carmel.

Further there is a range of different and diverse provision for secondary pupils in Islington including mixed and girls community schools, foundation trust school and academies; all currently judged by Ofsted to be good or outstanding schools.

#### **3.24 Impact on Education Standards**

Mount Carmel was inspected by Ofsted in 2014 and judged to be a good school. However, the falling roll is making it increasingly difficult for the school to provide the remaining pupils with the breadth of the curriculum they need. The Governing Body, the diocesan authority and the council are concerned that in its current format the school would be unable to fully meet the pupils' educational and social needs.

#### **3.25 Impact on the Local Community /Community Services**

There will be an impact on those parents who wish their daughters to continue to attend or attend girls only catholic school as the nearest school with surplus places is four miles from Mount Carmel.

3.26 The City of London (as sponsor of the new academy planned for the Mount Carmel site) has agreed to honour existing community use of the Mount Carmel school building and to work closely with the local community groups.

3.27 Saturday school provision will continue in the current format open to the local community

#### **3.28 Balance of Denominational Provision**

There are no other catholic girls' schools in Islington. There are catholic girls' schools with surplus places in Hackney and Enfield (within four miles) of Mount Carmel Catholic College for Girls.

- 3.29 The Diocese of Westminster has made a commitment to ensure that they will support any requests made to transfer to an all-girls Catholic School.

There are two other girls' schools in Islington namely Elizabeth Garrett Anderson and Highbury Fields. Sufficiency of places in these two schools currently is 55 and 51 respectively across all year groups.

### 3.30 **Special Education Needs Provision**

The school will continue to be committed to meeting the needs of all pupils including those with special educational needs and disabilities (SEND). The expectation is that pupils with SEND will receive an education that enables them to make progress so that they can achieve their best, become confident individuals living fulfilling lives, and make a successful transition into adulthood, whether into employment, further or higher education or training.

The expectation is that pupils with special educational needs and disabilities that transfer to the planned new academy or other Islington schools will continue to receive an education that enables them to achieve their best outcome.

### 3.31 **Travel**

No issues have been identified regarding travel. The current Mount Carmel Catholic College for Girls school is serviced by good public transportation services which means Pupils who wish to attend other secondary schools can do so without any significant impact on their present journeys to school.

### 3.32 **Replacement option – to open a non-denominational, co-educational academy**

Although there is falling demand for Catholic girls' education in Mount Carmel's catchment area (currently only 38% of girls attending are Catholic) it is anticipated that the Council will require additional secondary school places in future years with full capacity reached in Islington schools by 2020/21.

- 3.33 The Council has consulted with its schools concerning future expansions and 4 schools are proposed to expand. The Council has a large number of girls' places already and the data suggests that the greatest need will be for boys' places.

- 3.34 The Diocese of Westminster and the Council has worked closely and extensively on a range of options if the Council approves the closure proposal. After due diligence and lengthy discussion with stakeholder groups, the preferred option is to establish a co-educational, non-denominational secondary Academy / Free School on the Mount Carmel site

- 3.35 The City of London Corporation, an experienced Academy sponsor with a track record of working in partnership with local education authorities (including Islington) and establishing excellent local schools in London which are over-subscribed, has agreed to sponsor a new a co-educational, non-denominational secondary academy on the Mount Carmel site

- 3.36 In October 2016 the Education Funding Agency approved the City of London's application to open an academy on the Mount Carmel Site from September 2017.

- 3.37 The City of London (as the sponsor of the new academy) has agreed to work with the Diocese of Westminster to ensure that catholic life and religious education of the current Mount Carmel pupils is supported, nurtured and protected.

### **Right of Appeal**

- 3.38 The Council's decision on the closure proposal may be appealed to the School Adjudicator within 4 weeks of the decision date by the local Church of England diocese, the local Roman Catholic diocese and the governors and trustees of the school
- 3.39 The Council must send the closure proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt of the appeal.
- 3.40 There is no further right of appeal from a determination made by the School Adjudicator.

### **Closure Implementation**

- 3.41 If the Council decides to approve the Governor's proposal to close Mount Carmel Catholic College for Girls:
- 3.42 The existing project team will support the closure of Mount Carmel Catholic College for Girls by 31<sup>st</sup> August 2017 and the opening of the new non-denominational co-educational academy on the existing school site on 1<sup>st</sup> September 2017.
- 3.43 Parents who do not want their daughters to transfer to the new academy will be supported by Islington Admissions team and the Diocese of Westminster to find an alternative school.
- 3.44 Pupils with SEND will automatically be given a place at the proposed new Academy unless parents request a new school.
- 3.45 The sponsors of the proposed new academy trust will offer re-employment at the new academy to all existing school staff at Mount Carmel Catholic College for Girls
- 3.46 The freehold of the school site will be transferred by the Westminster diocesan trustee to the Council for nil consideration. The Council will then grant a 125 year lease to the new academy.

## **4 Implications**

### **Financial Implications**

- 4.1 The continued decrease in roll numbers over the last 5 years has caused a significant strain on the school's budget. To date Mount Carmel has successfully been able to manage any in year-deficits through previous years' surplus funding balances and workforce re-structures. Going forward in to 2017-18, and in light of a further reduction to their budget of circa £305k, the school would not be financially sustainable in its current form.

Although the school continually strive to find budget efficiencies, any further reductions to the current workforce would have a detrimental effect on the breadth and quality of the education provision offered to pupils.

## 4.2 **Legal Implications**

The Governing Body of Mount Carmel Catholic College for Girls has carried out the consultation on their proposal to close the school in accordance with the requirements of Part 4 of the School Organisation (Establishment and Discontinuance of Schools ) Regulations 2013.

The council is the decision maker in respect of the Governing Body's closure proposal and may reject or approve (with or without modifications) that proposal. In reaching its decision, the decision maker should have full and proper regard to the representations received in response to the proposal, the officer's observations on the representations, the closure proposal itself (paragraphs 3.10 -3.12 and Appendices 1 and 3 ) and the 'Matters to be considered (paragraphs 3.15 to 3.37).

The Council must publish its decision and the reasons for it on the website where the original proposal was published within one week of date of the decision. Notification of the decision and reasons must also be sent to the Secretary of State for Education, the Governing Body, local Church of England diocese, local Roman Catholic diocese and any other body considered appropriate.

There is a limited right of appeal against the council's decision to the Schools Adjudicator (see further paragraph 3.38 to 3.40 above).

## 4.3 **Environmental Implications**

There are no environmental implications arising from the recommendations in this report. Any subsequent capital development would need to be in accordance with the council's relevant environmental policies.

## 4.4 **Resident Impact Assessment**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A resident impact assessment has been carried out in respect of the proposal to close Mount Carmel Catholic College for Girls.

The closure of Mount Carmel Catholic College for Girls and the immediate opening of the proposed new academy on the same site as co-educational provision will provide greater choice for parents, particularly in terms of available of places for boys. More Islington children and their families can potentially make use of the widened offer of additional places at the new academy as it will be mixed and non-denominational.

All girls currently attending Mount Carmel Catholic College for girls who are on the SEND register will be able to continue with their education at the proposed new academy. The academy has agreed to continue to provide places for these students and maintain the specialist provision required to meet their needs.

The proposed closure of Mount Carmel Catholic College for Girls and immediate re-opening as a co-educational non-denominational academy is contained within the Children's Services overall strategy supporting greater access to educational equality of opportunity which in turn will lead to opportunities in later life for our residents.

## 5 Conclusion and reasons for decision

- 5.1 The Westminster RC diocese and the Governing Body of Mount Carmel Catholic College for Girls have accepted that the school is no longer financially viable given the continuing falling roll. They acknowledge that it will become increasingly difficult for the school to deliver the current breadth and quality of education to pupils. Accordingly the Governing Body decided to publish a proposal to close the school by 31<sup>st</sup> August 2017.
- 5.2 There is projected to be a shortage of secondary schools places in Islington by 2020/21 (particularly places for boys). The City of London has agreed to sponsor a co-educational non-denominational academy on the Mount Carmel school site which will help to address the current shortage of boy's places.
- 5.3 Accordingly, it is recommended that the Executive approve the Governing Body's proposal to close Mount Carmel College for Girls without modification with effect from 31<sup>st</sup> August 2017.

## 6 Record of the decision

I have today decided to take the decision set out in paragraph 2 above for the reasons set out in the report.

Signed by .....

**Corporate Director of Childrens' Services**      **Date**

### Appendices

- Appendix 1 Proposed closure consultation
- Appendix 2 Summary Report of closure consultation

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