

Resources Department  
Town Hall, Upper St, N1 2UD

Report of: Director of Law and Governance and Monitoring Officer

Meeting of: Children's Services Scrutiny Committee

Date: 26 February 2024

Ward(s): Finsbury

Appendix 1F to this report is exempt from publication

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## Subject: Call-in of the Executive decision on the 'Proposal on the Future of Duncombe and Montem Primary Schools'

### 1. Synopsis

- 1.1. Following the meeting of the Executive on Thursday 8 February, the Monitoring Officer has confirmed that a valid notice of call-in has been received regarding the decision made by the Executive on the 'Proposal on the Future of Duncombe and Montem Primary Schools'. The report considered by the Executive is attached as appendices. Appendix 1F is exempt from publication.
- 1.2. A call-in is considered valid if it meets the requirements set out in paragraph 66 of the Council's Constitution. The requirements are that the call-in is submitted by any five members of the Council, is submitted to the Proper Officer within three working days of the date of the publication of the decision and gives reasons in writing for the call-in, together with a positive or additional course of action.
- 1.3. The call-in form received by the Monitoring Officer on 9 February 2024, attached as Appendix 2A, met the above criteria. The Monitoring Officer also received further clarification of the 'additional course of action' before the expiry of the call-in period and this is detailed in paragraph 3.10 and attached as an addendum to Appendix 2B.

- 1.4. As this decision relates to an education function, in accordance with paragraph 66.5 (c) of the Council's Constitution, the Monitoring Officer has referred the decision to the Children's Services Scrutiny Committee for consideration.
- 1.5. The committee is asked to determine whether or not it agrees with any element of the call-in, or if it upholds the original decision made by the Executive on 8 February.

## 2. Recommendations

The Children's Services Scrutiny Committee is asked to agree to:

- 2.1. (a) Conclude that it does not object to the decision in question, in which case the decision shall take effect on the date of this meeting;

**or**

- 2.2. (b) Refer the matter back to the decision taker for reconsideration with reasons for its request.

## 3. Background

### **Role of Scrutiny Committees in relation to call-in**

- 3.1. The powers of scrutiny committees to consider a call-in are detailed in Paragraph 9F(2) of the Local Government Act 2000, which requires that an authority exercising Executive arrangements must ensure that its overview and scrutiny committees have power to 'review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive'.
- 3.2. The Local Government Act 2000, also places restrictions on the actions available to the scrutiny committee when considering a call-in. These limits are detailed in Paragraph 9F(4) of the Act. Scrutiny Committees do not have the authority to overturn a decision made by the Executive, but can either 'recommend that the decision be reconsidered by the person who made it', or can arrange for the function 'to be exercised by the authority'.

### **Reasons given for the call-in and the proposed positive or additional course of action**

- 3.3. The reasons given for the call in, in the form attached as Appendix 2A were as follows:

*The impacts of this decision on Drayton Park School have not been adequately considered.*

*Parents at Drayton Park School have not been adequately consulted.*

*The needs of SEND students at Montem have not been adequately considered.*

*The implications of this decision have wider ramifications for schools across the borough.*

*Student numbers and financial pressures need considering in the round, rather than taking out.*

- 3.4. The proposed positive or additional course of action proposed in the call in form, attached as Appendix 2A were as follows:

*We wish to call in this decision to ensure the council takes a holistic approach to addressing the serious crisis in over provision of school places across the borough.*

*We believe this decision to amalgamate Montem and Duncombe Schools ignores the “domino effect” on other schools both financially and in terms of school places and the decision needs to be deferred until a plan for other schools impacted by this decision and support for affected children, staff governors and parents is put in place.*

*Taking this decision in isolation leaves too many serious questions about the sustainability and viability of other schools and risks setting off an unplanned domino effect across other schools.*

*In Hackney an independent body reviewed the proposals. This should be considered here.*

- 3.5. Prior to the expiry of the call in period, the Monitoring Officer received further clarification on the proposed positive or additional course of action

*To begin a whole borough approach to reviewing school places and integrate Phase 2 of the school organisation plan with Phase 3 so that a planned approach can be taken to school places across the borough rather than taking decisions immediately without investigating and consulting on the consequences of early closures*

*Directly include Drayton Park school within the consultation process and review whether defederation is necessary*

*An independent body to review the proposals and the evidence base*

## **Purpose of the committees consideration and possible outcomes**

- 3.6. The purpose of the Children's Services Scrutiny Committee's consideration of the call-in is to determine if they agree to any part of it or not, by a majority vote of the committee members present.
- 3.7. If the committee determines that it does **not agree** with any part of the reasons for the call-in, the committee's decision will be that it upholds the decision made by the Executive and the Executive's decision will come into force at the conclusion of the Children's Services Scrutiny Committee meeting.
- 3.8. If the Children's Services Scrutiny Committee determines that it does **agree** with any part of the reasons for the call-in, they may refer the matter back to the decision taker for reconsideration with reasons for its request. The committee may also agree particular recommendations for the Executive to consider.
- 3.9. The item will then be added to the agenda of the next meeting of the Executive. The Executive will take into consideration the reasons for the Children's Services Scrutiny Committee's recommendations and one or more representatives of the Children's Services Scrutiny Committee will attend the Executive meeting to explain their reasons.
- 3.10. The Executive may choose to amend their decision or to confirm the decision originally made. At the conclusion of this Executive meeting the decision will be final and not available for further call-in.

## **4. Implications**

### **4.1. Financial Implications**

- 4.1.1. Whilst this decision has no direct financial impacts, it is recommended that the Children's Services Scrutiny Committee take into consideration the Financial Implications provided paragraph 8.1 of the original decision taken by the Executive, which is attached as Appendix 1.

### **4.2. Legal Implications**

- 4.2.1. The legal implications in relation to the call-in are detailed within this report. It is also recommended that the Children's Services Scrutiny Committee take into consideration the Legal Implications provided in paragraph 8.2 of the original decision taken by the Executive, which is attached as Appendix 1.

### 4.3. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

4.3.1. Whilst this decision has no direct environmental impacts, it is recommended that the Children's Services Scrutiny Committee take into consideration the Environmental Implications provided in paragraph 8.3 of the original decision taken by the Executive, which is attached as Appendix 1.

### 4.4. **Equalities Impact Assessment**

4.4.1. 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.

4.4.2. An Equalities Impact Assessment is not required in relation to this report, however, it is recommended that the Children's Services Scrutiny Committee take into consideration the Equalities Impact Assessment appended to the original decision taken by the Executive, which is attached as Appendix 1D.

## 5. **Conclusion and reasons for recommendations**

5.1. To determine the call-in received in relation to the decision made by the Executive at the meeting on Thursday 8 February, on the 'Proposal on the Future of Duncombe and Montem Primary Schools'.

### **Appendices:**

- Appendix 1– Agenda item 7 from the meeting of the Executive on 8 February 2024 'Proposal on the Future of Duncombe and Montem Primary Schools' and the appendices to that report, as follows:

Appendix 1A – Consultation document on the Proposal on the Future of Duncombe and Montem Primary Schools

Appendix 1B - Analysis of responses to the Public consultation

Appendix 1C – Redacted Feasibility Study

Appendix 1D – Equalities Impact Assessment

Appendix 1E - Proposed outline statutory notice

Appendix 1F – Individual responses – Exempt from publication (exemption 2: Information which is likely to reveal the identity of an individual) – *to follow*

- Appendix 2A – Call in Form

Appendix 2B – Clarification provided to supplement Call-in form text on the proposed positive or additional course of action

**Background papers:**

- None.

**Final report clearance:**

Authorised by: **Director of Law and Governance**

Date: 15 February 2024

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