
Meeting	Cabinet
Date	25 February 2013
Subject	Morasha Jewish Primary School – Proposal to Enter the Maintained Sector
Report of	Cabinet Member for Education, Children and Families
Summary	This report considers the statutory proposal published by the trustees of Morasha Jewish Primary School, an independent school, and recommends that the school should become a Barnet maintained voluntary aided school from April 2013.

Officer Contributors	Val White, Schools, Skills and Learning Lead Commissioner Elaine Tuck, Head of Service Commissioning and Business Improvement, Children's Service
Status (public or exempt)	Public
Wards Affected	West Finchley, Woodhouse
Key Decision	Yes
Reason for urgency / exemption from call-in	N/A
Function of	Executive
Enclosures	Appendix 1 – Checks of Proposal Against Statutory Guidance Appendix 2 – Statutory Notice as Published
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1. RECOMMENDATIONS

- 1.1 That Cabinet approve the proposals published by the trustees of Morasha Jewish Primary School to establish the school as a new voluntary aided primary school from 1 April 2013, subject to the school concluding consultation on updated admissions criteria for academic year 2014/15 by 1 April 2013.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Barnet's successful, diverse and popular schools are a key contributor to the corporate priority of 'A successful London suburb'. Morasha Jewish Primary School will add to the wide range of provision on offer to parents in Barnet and continue to enhance the reputation of the borough as a good place to live.
- 3.2 Local authorities are under a duty to promote choice and diversity and to respond to demands from parents for new schools. Local authorities also have a statutory duty to provide sufficient school places. The addition of another maintained school will contribute to this, as well as to the Corporate Plan 2012-13 objective 'ensure every school is a good school for every child and sufficient school places are available', which is also a key priority in the partnership Barnet Children and Young People Plan 2010-2013.

4. RISK MANAGEMENT ISSUES

- 4.1 The school has secured suitable buildings at Stanhope Road and has the freehold of this land. The school will have completed building works by 1 April 2013, prior to entering the maintained sector. This minimises the financial risk to the Council associated with undertaking significant maintenance to ensure premises are suitable. Until September 2015, all children can be accommodated on the Stanhope Road site. The school intends to purchase additional land to expand the school at Stanhope Road (the school is adjacent to a council owned building and car park facilities and the Trust has expressed an interest to purchase the building should it become vacant). The school currently occupies a site at Moss Hall Grove leased from the Huntingdon Foundation. The intention is to vacate this site from April 2013.
- 4.2 Should the school not complete a purchase of additional land and or buildings on the Stanhope Road site within two years, there will be a need for additional classroom capacity. In order to mitigate this risk, the school has put in place a legal agreement to re-occupy Moss Hall Grove site if necessary. For the interim period, it is understood that the current owner of Moss Hall site would temporarily rent the premises to the Education Funding Agency for educational use by a free school. There is a risk that any free school temporarily occupying the Moss Hall site would be required to vacate the premises should Morasha exercise their right to re-occupy. The risk of securing alternative premises for a

free school would fall to the Education Funding Agency. The Council has received a letter from the Department for Education confirming this.

- 4.3 There is a risk that insufficient pupils apply to the school and that surplus places remain. However, the proposals clearly demonstrate that considerable demand exists in the Finchley area for Jewish primary school education. The existing independent school is full and oversubscribed and it is not anticipated that there would be any difficulty in filling the additional places that will be available in the new buildings.
- 4.4 Although Morasha's admission arrangements comply with the law and the School Admissions Code, there is a risk that the school will be challenged in relation to the oversubscription criteria prioritising children who attend Kinloss synagogue above other local synagogues. If a challenge were to occur it would be decided on by the Schools Adjudicator. To reduce the likelihood of future challenge Morasha will consult on updated admission criteria as part of consultation for the next admission round for those entering the school in Academic Year 2014/15; the consultation will be completed by 1 April 2013.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has considered its general equalities duties under s149 of the Equality Act 2010 and balanced the need for more school places generally within the borough with the provision of additional Jewish primary school placements. (See Appendix 1). Providing additional Jewish primary school places within the state sector will enable the Orthodox Jewish community to have a greater choice of schools. The school is committed to working in partnership with families and the community to develop pupils to become responsible, committed members of the Jewish community and society at large and will work with other local schools to build links with the wider community and promote community cohesion.
- 5.2 The school will adopt an inclusive approach to all children with Special Educational Needs (SEN) and disabilities. Morasha will offer learning and behaviour support to mainstream school pupils identified as having SEN. Appropriate provision will be made at School Action, School Action Plus and for pupils with statements as specified in individual Statements and in line with Barnet Policy and the SEN Code of Practice (2001).

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 If approved, the new school will be allocated a budget from the Dedicated Schools Grant (DSG) in accordance with the School Standards and Framework Act 1998. The current estimate of Morasha's budget share for the full financial year 2013/14 is approximately £560,000 with 113 pupils on roll, which will be contained within the Individual Schools Budget. The actual figure will be re-determined in February 2013 when budgets are set for other maintained schools taking the date of transfer into account. The school has provided a draft budget and demonstrated that it will be financially viable.

6.1.2 From April 2013 the school will receive additional funding from the growth fund to take into account the annual expansion of the school by one class each September until there are pupils in all year groups. If the new school draws most of its pupils from outside of the existing Barnet schools' population (as might be expected given that the school is an existing independent school) then the majority of future funding from April 2014 would be provided by an increase in the level of pupil funding within the DSG once the school submits data to the census in October 2013. However for 2013/14 we do not expect additional funding in the DSG for Morasha pupils in 2013/14.

6.1.3 The Council requires the new school to be non-profit making and fulfil all of the financial requirements under the Scheme for Financing Schools including providing a draft budget plan to ensure that they can work within the revenue budget. Maintained Schools cannot supplement their revenue budget by charging fees for education that takes place in school hours or is part of the national curriculum.

6.2 Capital

6.2.1 The DfE Decision Maker's Guidance for establishing a new maintained school requires the LA to be satisfied that any capital required to implement the proposals will be available and states proposals should not be approved conditionally upon funding being made available. Where the proposal for the new school is from an existing independent school the Council must consider the suitability of the premises of the school to join the maintained sector and that the premises will meet the minimum requirements of The Education (School Premises) Regulations 1999. If the Trustees are planning on adapting an Independent School or want new site/premises for their new school, they will need to satisfy the Council that sufficient capital funding is available to implement the planned changes or for the new school site and buildings before it can consider the proposal.

6.2.2 The total capital costs for the Reception to Year 6 project is estimated at £3.25m, which includes (a) the cost of the land / property acquired for £1.25m in March 2012 and (b) the re-development and build costs involved with this project of £2.0 million. The proposers will meet the entire building costs and a contract is in place with a construction and project management company. Appropriate arrangements are in place with architects, a construction and project management company and all other appropriate providers of professional services.

6.2.3 The Morasha Jewish Primary School Governing Body and the trustees of Finchley Jewish Primary School Trust are making available all costs relating to the building from their own resources and will cover all cost overruns. These costs will not fall to the Council should the project overrun (see risk management 4.1). Contributions will be provided from existing assets and fundraising from individual donations and charitable trusts.

6.2.5 As in other voluntary aided schools, the governing body will be required to contribute 10% of all ongoing capital costs associated with maintaining the school buildings. A signed copy of 'Form 18' has been received from the school, which confirms this requirement.

Property

- 6.3 Morasha Jewish Primary School has secured the freehold of premises at 31 Stanhope Road, Barnet, London, N12 9DX, which will be ready for occupancy from 1 April 2013. Finchley Jewish Primary School Trust owns the freehold of this site. The current building on the Stanhope Road site is being extensively re-developed and refurbished to make room for the new school buildings and playground. Planning permission was obtained from Barnet Council on 11 July 2012. The opportunities presented by the design and build of the new school will enable the development of new, innovative and creative approaches to teaching, learning and assessment.

Until September 2015, all children can be accommodated on the Stanhope Road site. The school intends to purchase additional land to expand the school at Stanhope Road (the school is adjacent to a council owned building and car park facilities). The school currently occupies a site at Moss Hall Grove leased from the Huntingdon Foundation. The intention is to vacate this site from April 2013.

Should the school not complete a purchase of additional land and or buildings on the Stanhope Road site, there will be a need for additional classroom capacity. In order to mitigate this risk, the school has put in place a legal agreement to re-occupy the Moss Hall Grove site.

- 6.4 The school premises at Stanhope Road will comply with the Education (School Premises) Regulations 1999. The school playing fields do not comply with these, and so the additional requirement will be met by accessing the playing fields at the nearby Victoria Park, Friary Park and Rowley Lane where sports facilities include two football pitches and Astroturf for all weather use. On the Moss Hall Grove site, the additional requirement will be met by utilising the nearby Gordon Hall (Huntley Drive, N3) for PE lessons and the nearby Victoria Park which is used for outdoor activities and PE lessons as well.
- 6.5 During construction of the new school building at Stanhope Road (July 2012 - early 2013), the school is being located on a split site at 37 Moss Hall Grove, Finchley, London, N12 8PE and Finchley Synagogue, Kinloss Gardens, Finchley, London, N3 3DP.

Staffing

- 6.6 Existing teaching staff employed by the school all have Qualified Teacher Status if they are in a position that requires this. When the school becomes Voluntary Aided, the governing body will be the employer of staff.

7. LEGAL ISSUES

- 7.1 Section 11 of the Education and Inspections Act 2006 provides for existing Independent schools to enter the maintained sector. On 1 February 2012, section 37 of the Education Act 2011 came into effect, introducing Schedule 11 of the Act. However, under this, proposals for former independent schools wishing to join the maintained sector can still be published under section 11 of the Education and Inspections Act 2006, as before.

- 7.2 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 set out the process for establishing a new school.
- 7.3 Barnet Council has a statutory duty under section 14 of the Education Act 1996 to ensure that sufficient schools for providing primary and secondary education are available in the area.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Council Constitution, Part 3, Responsibilities for Functions, Section 3: Responsibility for Executive Functions.

9. BACKGROUND INFORMATION

- 9.1 Morasha Jewish Primary School is an independent co-educational school currently located at 37 Moss Hall Grove, Finchley, London, N12 8PE and Finchley Synagogue, Kinloss Gardens, Finchley, London, N3 3DP. The school opened in September 2008 and currently has 113 pupils in Reception to Year 4. It serves the Orthodox Jewish community in the Finchley area and adjoining Boroughs (Hertfordshire County Council and the London Boroughs of Brent and Haringey). Morasha Jewish Primary School is run by the Finchley Jewish Primary School Trust. The school has close links with the Finchley United Synagogue (Kinloss) in Finchley.
- 9.2 The Finchley Jewish Primary School Trust propose to establish a new, mixed, one form entry Voluntary Aided Jewish Primary school at 31 Stanhope Road, Barnet, London, N12 9DX from 1 April 2013. When the school is full, five classes can be situated at 31 Stanhope Road and two classes will be situated at 37 Moss Hall Grove (should the Trust not purchase additional land adjacent to Stanhope Road).
- 9.3 Morasha is already a high performing independent school and was judged *good* by Ofsted at its last inspection. The school's most recent Foundation Stage moderation showed pupils to be performing above the area average in all areas of the curriculum. Due to site constraints, the school does not currently take 30 children in all year groups. It is oversubscribed and is proposing to take 30 children in each year when it joins the maintained sector, with the exception of what will be Year 5, which, due to site constraints will have a planned admission number of 10 until this year group leaves the school.
- 9.4 The school has for some time expressed an interest in joining the maintained sector and has been liaising with the Council for several years to enable this. The school has raised sufficient capital funding to acquire new premises at Stanhope Road and to pay for re-development and refurbishment. The building is anticipated to be completed in April 2013 when the school would enter the maintained sector.
- 9.5 The new school will cater for up to 210 children between the ages of 4-11.

- 9.6 The Education and Inspections Act 2006 sets out the process for independent schools wishing to enter the maintained sector. The key steps are consultation, publication of proposals, a representation period and decision.
- 9.7 The trustees published their statutory proposals on 15 November 2012; a 6 week formal representation period followed, ending on 27 December 2012. The statutory notice is attached as Appendix 1. Extensive consultation has been carried out with parents and stakeholders, in line with statutory requirements, to establish demand for the new school. Responses from the Jewish Community and other stakeholders during the consultation phase have been uniformly positive and supportive of the proposal for the school to become voluntary aided. One representation was received to the published proposal regarding the admissions criteria prioritising children attending Finchley United Synagogue rather than other local synagogues. This has been raised with Morasha which, as part of consultation for the next admission round for those entering the school in Academic Year 2014/15, will consult on updated admission criteria. These updated criteria would prioritise children attending Orthodox synagogues including Finchley United Synagogue and Woodside Park Synagogue.
- 9.8 When a new VA school is proposed, the decision as to whether or not to approve the proposals rests with the local authority and must be made within two months of the end of the formal representation period (27 February in this case). When considering the proposals and any representations, the local authority must have regard to DfE statutory guidance, which lists the factors to consider when making a decision. Full checks of the proposals against the guidance are contained in Appendix 1.

10. LIST OF BACKGROUND PAPERS

- 10.1 Full statutory proposals published by the trustees of Finchley Jewish Primary School Trust.
- 10.2 To consult these papers please contact Elaine Tuck on 020 8359 4191

Cleared by Finance (Officer's initials)	MC/JH
Cleared by Legal (Officer's initials)	LC