



Children, Education and Safeguarding Committee

29th November 2018

Title	Proposal to establish Noam Primary School as a Barnet Council maintained voluntary aided school.
Report of	Chairman of the Children, Education and Safeguarding Committee, Councillor David Longstaff
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	<p>Appendix 1a(i): The proposal to establish Noam Primary as a voluntary aided school</p> <p>Appendix 1a(ii): Summary of responses to the proposal</p> <p>Appendix 1a(iii): Supporting letter from Pajes, in response to the proposal</p> <p>Appendix 1b(i): Consultation document</p> <p>Appendix 1b(ii): Summary of responses to the consultation</p> <p>Appendix 2a: Barnet's Framework for Independent Schools Seeking to Join the Maintained Sector</p> <p>Appendix 2b: List of evidence provided in support of the proposal</p> <p>Appendix 3: Key findings– Staetsky and Boyd's 'Rise and Rise of Jewish School Places'</p> <p>Appendix 4: Ofsted Report January 2018 – Summary of findings</p> <p>Appendix 5: Governance Self-Assessment</p>

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Summary

This report sets out a proposal by The Trustees and Governors of Noam Primary School, an independent faith school, to move into the maintained sector through the establishment of a voluntary aided school with effect from the 1st January 2019. On the 9th March 2015, the Children, Education, Libraries and Safeguarding Committee approved a framework for considering proposals from independent faith schools seeking to move into the maintained sector. This report sets out the evidence submitted by the school proposer in relation to the framework.

Officers Recommendations

1. That the Children, Education and Safeguarding Committee consider the proposal by Noam Primary School, an independent faith school located in Wembley, to establish the school as a Barnet Council maintained voluntary aided primary school with effect from the 1st January 2019 and decide to either:
 - (a) approve the proposal without modification
 - (b) approve the proposal with such modifications as they think desirable, after consulting the proposer
 - (c) approve the proposal – with or without modification – subject to certain conditions being met; or
 - (d) refuse the proposal.

1. WHY THIS REPORT IS NEEDED

1.1 On the 9th March 2015, the Children, Education, Libraries and Safeguarding Committee approved a framework for considering proposals from independent faith schools seeking to move into the maintained sector (Appendix 2a). The framework is designed to assist the council in reaching a decision on such proposals. It is based on guidance published by the Department for Education (DfE) on opening and closing maintained schools. This guidance confirms that the following matters are relevant for proposers and decision makers:

- Demand versus need

- the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools), in relation to the number of places to be provided.
- the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.
- the popularity of other schools in the area and evidence of parental demand for a new school. Whilst the existence of surplus capacity in neighbouring schools should not in itself prevent the creation of new places, they should consider the impact of the new places on existing educational provision in the local area.
- Proposed admission arrangements.
- Curriculum – all maintained schools must follow the National Curriculum.
- School size - Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.
- Equality issues.
- Integration and community cohesion –
 - Whether the school will be welcoming to pupils of any faith and none; and show how the school will address the needs of all pupils and parents.
 - Whether the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
 - Whether the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none.
 - Whether the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.
- Travel and accessibility
- Funding – if there is a need for capital funding, the proposer must make a separate bid to the Department for Education.
- School premises
 - Under the School Premises (England) Regulations 2012 all maintained schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.
 - Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, where proposals for a new VA school provide for the provision of

playing fields, the duty to implement that part of the proposal (i.e. to provide the playing field) rests with the local authority.

- Suitability – a proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school should promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance on Promoting fundamental British values through SMSC.

- 1.2 Noam Primary School, is a high-performing, independent co-educational, Orthodox Jewish school for children aged between 3 and 11 years, located at 8-10 Forty Ave, Wembley, Middlesex HA9 8JW. The school opened in September 1999 with only 5 pupils. It now caters for 181 pupils and currently has 167 pupils on roll. The school has recently been inspected by Ofsted and has been rated as 'outstanding' in one category and 'good' in all other areas.
- 1.3 Noam Primary School has consulted on a proposal to establish a voluntary aided maintained school (see Appendix 1a(i), in order to move the current independent faith school into the maintained sector. Following the end of the consultation period, the Council is required to reach a decision. Whilst the school is located in the London Borough of Brent, the proposer is requesting determination of its proposal by London Borough of Barnet on advice from the DfE. This is driven by the home address of its pupils, nearly all of whom live in Barnet. The school has identified a new site in Barnet and plans to relocate to the new school building, which is currently under construction, in January 2020.

About the proposal

- 1.4 The current independent school is owned and run by The Noam Primary School Limited, a private company registered as a charity.
- 1.5 The proposal is for the establishment of Noam Primary a new voluntary aided school, under section 11 of the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulation 2013.
- 1.6 The proposal is being made by the trustees and governors of the existing school, who collectively have the expertise and experience of operating a successful independent school.
- 1.7 It is intended that the proposed maintained school will provide 240 places for boys and girls aged 3 to 11 years, serving the local Orthodox Jewish Community.
- 1.8 The foundation body for the new voluntary aided school will be Noam Educational Trust (NET), a company limited by guarantee and a registered charity (Company No. 08203599; Charity No. 1151459). The Objects of the Noam Educational Trust are the advancement of education for the benefit of the public, in particular but without limitation the provision and maintenance of a school or schools and by ancillary or incidental educational activities for the benefit of the community in particular but not exclusively for Jewish children.

- 1.9 A new permanent site for the school has been secured on East End Road, Burnt Oak HA8 0AJ. The new school building will provide modern, purpose-built facilities compliant with Building Bulletin 103 guidelines for mainstream schools. The new site in Burnt Oak is owned by NET, which will make the site available to the school on a permanent basis.
- 1.10 Noam Primary School expects to continue operating as a voluntary aided school from the current site, United Wembley Synagogue, 8-10 Forty Avenue, Wembley, Middlesex HA8 8JW, until the end of the calendar year 2019, by which time construction of the new school building is scheduled to be complete. Noam Primary plans to move to the new site by January 2020.
- 1.11 The school currently has a one year renewable licence with the United Synagogue, which allows for early termination on six months' notice. The terms of the licence are such that the school will be able to bring the licence to an end simultaneous with its move to Burnt Oak, with no financial penalty.
- 1.12 The school has submitted a proposal to implement a revised governance arrangement, to be called 'The governing body of Noam primary School', with responsibility for the strategic leadership, accountability and oversight of the proposed maintained school. The Governing body will employ the staff and will be the relevant admissions authority for the school.
- 1.13 The Governing Body will be constituted in accordance with the School Governance (Constitution) (England) Regulations 2012. It shall consist of two parent governors, one local authority governor, one staff governor, one headteacher and 10 foundation governors; a total of 15 governors.
- 1.14 NET, as the foundation body of the new voluntary aided school will have responsibility for ensuring the ethos and religious character of the school is preserved. It will be responsible for appointing the foundation governors of the voluntary aided school.
- 1.15 The current independent school seeks to receive 26 Reception children each year and currently has 167 pupils on roll with capacity limitations. The proposed maintained school will have a Published Admission Number of 30, for the first Reception intake in September 2019. Over the course of the seven year period after the proposed change, the school expects to expand to 30 in each class as the cohorts age and move through the school from the bottom up. The proposed expansion in the current number of pupils is planned to be modest with existing class sizes increasing from their current size to 30 pupils each. It is expected that this can be managed with no significant additional stretch on current resources. The new school site has been designed to accommodate classes of 30 pupils.
- 1.16 The proposed admission criteria for the maintained school is compliant with the School Admissions Code issued under Section 84 of the School Standards and Framework Act 1998.

Evidence to support the proposal

- 1.17 Appendix 2b sets out a list of evidence that the school has submitted as part of its proposal to become Voluntary Aided.
- 1.18 The supporting evidence has been reviewed and approved by lead council officers with expertise in school admissions, school governance, schools accountancy, school improvement, and school premises.
- 1.19 The council has also engaged technical advice on the new build contract, from HB Public Law and the Council's Finance, Commissioning Group.

Demand / need for this type of school in the community

- 1.20 Demand for the existing independent school is evident from the fact that it has been established and operating since 1999. Roll numbers have been consistently high, with some fluctuation over the past ten years, even though the school is fee-paying and located in Wembley, at some distance from the parent body located mainly in Barnet.
- 1.21 The table below sets out the current roll count by year group and the maximum physical capacity in the existing classrooms. Reception numbers have been slightly lower in recent intakes, which has been attributed to natural fluctuations in line with the London-wide trend. The school has reported seeing a definite spike upwards with 10 new pupils admitted at the start of the year and five more pupils expected to start mid-year. The school has reported high demand for Nursery places, the main point of entry to the school.

Class	No. of pupils currently on roll	Current capacity
Nursery	19	24
Reception	18	24
Year 1	22	24
Year 2	24	24
Year 3	19	19
Year 4	21	22
Year 5	22	22
Year 6	22	22
Total	167	181

- 1.22 The proposers have advised that school has been operating in Brent because of the difficulty to find a suitable site in Barnet. However, almost all pupils are Barnet residents, with only a small number of pupils from other boroughs, at any given time.
- 1.23 The proposed maintained school is expected to increase demand as it will relocate to Barnet, closer to the current parent body, will also cease to charge fees and will be able to offer modern, purpose built facilities.
- 1.24 The proposers have made reference to Staetsky and Boyd's report dated November 2016, published by the Institute for Jewish Policy Research (JPR), entitled The Rise and Rise of Jewish Schools, which highlights the clear and continuing upward demand for Orthodox Jewish school places.
- 1.25 This is reflected in local experience, with nearly all schools Barnet Jewish schools being consistently oversubscribed and many offering above published admission numbers to accommodate local demand. Historical data relating to former independent Orthodox Jewish schools that have joined the state sector also provides evidential basis of sustained demand. The most recent example is the former Independent Menorah High School for Girls', which has been oversubscribed as a first preference school since its entry to the state sector as a voluntary aided school in April 2016.

Current financial health of the proposer

- 1.26 The proposers have provided 3 years of audited accounts for Noam Primary School Limited and 3 years of externally reviewed accounts for Noam Educational Trust. The proposers have confirmed that any liabilities of Noam Primary School Limited will remain with this company and will not transfer to the new voluntary aided school.
- 1.27 Currently, the school receives in excess of £650k from school fee income and £300k from voluntary donations from the public.
- 1.28 The present independent school does not follow the School Teachers' Pay and Condition but upon entry to the state sector as a voluntary aided school will adopt compliant arrangements which it will seek to implement from the outset. A copy of the proposed pay policy has been provided and approved.

Projected financial health of the proposer

- 1.29 The proposers have developed a detailed 5-year projected revenue budget for the future operation of the voluntary aided school, which has been scrutinised and approved by the Council's School Finance and School Funding Managers. The budget is based on the school's plan to grow gradually over the next five years with the aim having the full cohort of 240 pupils by 2025/26.
- 1.30 Should Noam be successful in its applications to become state aided, the school will continue to request donations to fund the Jewish studies curriculum

A budget calculation is provided which separates the income and expenditure for 2019/20

- 1.31 A primary school with one form entry is not uncommon for local authority maintained schools. In Barnet alone, over 40% of primary schools, have a published admission number of 30 or lower and almost two-thirds of these are faith schools. As school funding is based primarily on the number of pupils, the success and financial health of most of existing small primary schools indicates financial viability of Noam Primary's projected revenue budget as a maintained school.
- 1.32 A projection of the number of pupils in each year group for the for the first seven years of operation has been provided as part of the 5 Year Budget, which has been approved by lead council officers. The delivery of the National Curriculum within the submitted budget is funded entirely through central government grant.
- 1.33 From the information submitted by the proposer, the delivery of the proposed faith curriculum is dependent on a significant amount of voluntary donations, a source of income that is not guaranteed. Jewish studies amount to 50% of the school timetable. The budget excludes any external donations for revenue resourcing even though it does not expect these donations to fall to zero from £300k presently received. The assumptions made are for pupil numbers to increase to full class sizes and for the recovery rates for parental voluntary contributions to drop from their current position of 90% for school fees charged to 70%.
- 1.34 The proposers' 5-year budget provides a separate calculation of the income and expenditure for 2019/20 which shows that the school does not place reliance in the budget on the voluntary contributions as these are to wholly fund the Jewish studies.
- 1.35 The amount of voluntary donations required to offer the full school timetable poses some risk. Unlike school funding through central government grant, voluntary donations, by their nature are not guaranteed income. Maintained schools cannot charge for education within the school hours (including the supply of material etc.) unless this falls within very limited prescribed conditions, for example, individual music lessons where parental consent has been obtained. DfE guidance 'Charging for school activities, Departmental advice for governing bodies, school leaders, school staff and local authorities October 2014 sets out the very limited circumstances under which maintained schools may charge and gives guidance on voluntary contributions. Nothing in legislation prevents a school governing body from asking for voluntary contributions for the benefit of the school or any school activities as long as no child is excluded from an activity simply because his or her parents are unwilling or unable to pay and parents are pressurised or harassed into paying these contributions.
- 1.36 The proposers have provided a copy of its 'Policy for Voluntary Contributions', which sets out the protocol on charges, contributions, remissions and refunds.

The policy clearly states that the school may not charge for education provided during school hours (including the supply of any materials, books, instruments or other equipment) or education provided outside school hours if it is part of the National Curriculum or part of Jewish Studies education. The Governing Body may ask parents/guardians of students at the School for voluntary contributions for the benefit of the school generally or to fund any specific school activities, including school visits. Furthermore, the policy clearly sets out that when making requests for voluntary contributions, the school must ensure that parents are not made to feel pressurised into paying, as any contributions are voluntary and not compulsory. No student should be treated differently or excluded from an activity or visit simply because his or her parents/guardians are unwilling or unable to pay a voluntary contribution. This should be made clear to parents/guardians when any request for voluntary contributions is made.

- 1.37 Whilst the school's current experience of receiving parental, governor and other donations offers some reassurance, the school would, in future, be operating as a voluntary aided state maintained school. The proposer perceives that the risk of parents or other donors no longer wishing to donate once the school is state-maintained is low and is confident that the growth in pupil numbers required to generate the projected budget is realistic.
- 1.38 Many of Barnet's existing faith schools receive voluntary donations and there are several comparators of one-form entry, non-faith primary schools, providing reassurance that a full broad and balanced curriculum can be offered should donations discontinue. The proposers are conscious that should the Jewish Studies budget fall into deficit, they alone are responsible to reduce the overspend and implement any restructuring plan necessary. This means that the school has no expectation on the council to financially support any staff restricting/redundancies from the point of transfer.

Long term value for money

- 1.39 The school will diversify the local educational offer for parents and contribute towards meeting the growing demand for Orthodox Jewish school places in the local community.
- 1.40 Within the state maintained sector, school improvement is increasingly delivered through school-to-school support. Noam Primary School has already developed links with other Barnet schools such as Beis Yaakov Primary School, Pardes House Primary School and expects to widen its connections once it becomes a voluntary aided school in Barnet. The school currently has a very strong assessment system that has been shared with other Barnet schools. Noam Primary School values the opportunity to work in partnership with other schools and would wish to further develop opportunities for inter-school activities once it becomes voluntary aided.

Ability to meet the high standards expected of state funded educational provision

- 1.41 Noam Primary School has recently undergone a 3-day Ofsted inspection, from 30 January 2018 to 1 February 2018. The school was rated 'Outstanding' in the category 'Personal Development, Behaviour and Welfare' and 'Good' in all other categories, maintaining an overall effective rating of 'Good'. The review reported that leaders are highly ambitious with a clear vision for the school, independent school standards are met, the school continues to improve, staff are committed and highly motivated, governors and the proprietor work closely with senior leaders and provide effective support and challenge. The review also reported that the quality of teaching is good, the broad and balanced curriculum is enriched with a range of educational activities and visits, pupils' attitudes toward learning are consistently strong and their behaviour is impeccable. The school's most recent Key Stage 2 and SATS results found were found to be well above the national average. Although located in Brent, any future Ofsted inspection of the voluntary aided school will form part of the overall position for the proportion of Barnet schools in each Ofsted category.
- 1.42 As part of its body of evidence, the school has provided a self-assessment of its governing body (Appendix 5).
- 1.43 The proposers have provided examples of how the governing body has effectively monitored and challenged the school to improve educational standard, which include the following:
- Introduction of the Big Writing Scheme, an area identified for improvement by governors of the Education Committee who are closely involved in monitoring the implementation of the scheme.
 - Improved attainment in certain key focus areas such as the KS1 phonic screening check. In 2014/2015, 73% of children passed the test. In 2016/2017, 89% of children passed the test. The Y6 SATs also show an upward trend in Reading, Maths and Grammar/Spelling. The improvement was achieved through identifying the issue in discussion between the Senior Leadership Team (SLT) and the Education Committee, and the latter monitored the improvements over time.
 - The governors have worked closely with the SLT to improve attendance figures. A robust approach has been taken with attendance issues and children who are below the threshold of acceptable attendance being identified by the school. Attendance was reportedly stable over 2016/2017 with 83% of children above 95% attendance. This is seen as a significant improvement on previous years and SLT and the governors are working jointly to further improve these figures.

Suitability: British Values and Community Cohesion

- 1.44 The school's admission arrangements permit children of all faiths to be admitted to the school. The proposed admission arrangements meet statutory requirements and comply with the School Admissions code. The proposers state that the governing body of the voluntary aided school will ensure that any

faith based priority for admission will be measured through independently verifiable criteria, including synagogue attendance and commitment to Jewish learning.

- 1.45 The statutory Admissions Code requires that oversubscription criteria is reasonable, clear, objective, procedurally fair and complies with relevant legislation. Criteria should not disadvantage unfairly children from particular social or racial groups or children with a disability or special educational needs. Faith-based oversubscription criteria is permitted, but places must be offered to every child whose parent applies, regardless of faith, if there are places available. In addition, the school must give priority to looked after children of the faith, before other children of the faith.
- 1.46 The school's recent Ofsted inspection concluded that the work it does to encourage spiritual, cultural, social and moral development is highly effective and British values are actively promoted. The Ofsted review also reported that pupils learn about respect, democracy and the rule of law. Pupils mark the Black History month and learn about other cultures. There are links with other faith schools, including a Muslim school, to promote awareness of diversity and other religions. Pupils visit the Houses of Parliament and are aware of the electoral system. They are encouraged to get involved in current affairs, debates on elections and the referendum. The proposers have reported that Noam was also the only Jewish School to be invited to take part in the Children's EU Referendum Debate at Speakers House. Noam currently devotes many of its assemblies to exploring British Values and current events. Annual themes include Diwali, Guy Fawkes, Black History, Remembrance Day and Anti-Bullying current events.

Equality issues

- 1.47 The proposers confirm that the school is compliant with the duties of schools as identified in the Equality Act 2010 and positively promotes equal opportunity for all pupils and the wider school community. A copy of the school's Equality Policy has been provided. The school seeks to raise awareness of the policy through school website, meetings with staff, newsletters and written reports to parents and governors. The school undertakes regular Equality Impact Assessments (EIA), to ensure the policy is in line with the Equalities Act. The last EIA took place in August 2018 and next assessment is due in August 2020.
- 1.48 The Council should ensure that it has sufficient school places to meet the needs of its local area. Sufficient includes having a diverse base of schools to meet the diversity needs of its inhabitants.

Staff contracts

- 1.49 The Governing Body of Noam Primary School will be responsible for staff employed at the voluntary aided school. The appointed Staffing Committee will convene regularly for more focussed oversight in this area. The proposers have

provided a list of all staff that will be employed in the proposed maintained school and confirmed that all staff members responsible for delivering the National Curriculum have Qualified Teacher Status (QTS), except for one who has completed the Qualified Teacher Learning and Skills (QTLS) qualification. A number of policies that have provided, as outlined in Appendix 2b, have been reviewed by Local Authority officers.

- 1.50 The present independent school does not follow the School Teachers' Pay and Condition but upon entry to the state sector as a voluntary aided school will adopt compliant arrangements which it will seek to implement from the outset. All existing staff will remain on their current salaries, which follow the Inner London weighting. For new staff, the school intends to move towards adopting the outer London pay scale. A copy of the proposed pay policy has been provided.

Due diligence

- 1.51 A full set of policies that are statutory requirement of the Department for Education are published on the school's website and listed in Appendix 2b.
- 1.52 A copy of the current register of interest for the headteacher and governors have been provided.

Premises: current school building and new permanent site

- 1.53 Noam Primary presently lease part of the two-storey detached Wembley Synagogue, of a concrete block and timber construction built circa 1940, owned by United Synagogue. The proposed voluntary aided school will continue to operate from this site for approximately one year, while the new school building is being constructed on the permanent site in Burnt Oak.
- 1.54 The school commissioned an independent condition Asbestos Re-Inspection Survey of the current building, on 31 July 2018. The Survey concluded that residual asbestos on the site is in good and safe condition and can remain so undisturbed for the buildings own useful life.
- 1.55 In August 2018, the school commissioned an interim Fire Risk Assessment of the current building, after having undertaken initial remedial work in response to the findings of a previous inspection in June 2018. The outstanding areas of concern highlighted in the re-inspection were i) housekeeping issues, ii) improvements to means of escape and an additional escape route and iii) ensuring all final exit doors and escape routes are permanently available. A fire-safety re-assessment was conducted on 6 November 2018 by Capital Fire Safety, a member of the Fire Protection Association. The inspection has concluded that 'The site is much improved with recommendations having generally been implemented in all areas; as such the risk to life from fire is considered to be 'tolerable' once the housekeeping issues, as detailed, have been addressed'.

- 1.56 On 30 October 2018, the Council's Principal Building Surveyor carried an informal visit at the Wembley Synagogue site and noted no significant concerns other than the fire safety issues already identified and subsequently addressed. Visitors to Noam Primary are handed a Visitor Information Leaflet, which outlines health and safety, fire safety and safe-guarding protocols.
- 1.57 The new site in Burnt Oak is owned by NET, which will make the site available to the school on a permanent basis. All capital costs are to be met by the proposers. The cost of acquiring the site, amounting to 950K has already been paid in full. The proposers have provided a signed contract in respect of the new building, a letter from the chartered surveyor confirming that the new building will comply with the DfE Building Bulletin for mainstream schools and a Gantt Chart outlining the schedule of works. Construction work is underway and the new site is expected to be ready for occupation by January 2020, if not earlier. All necessary planning permissions required for the proposed new school building have been obtained.
- 1.58 The new build funding is mostly reliant on pledges from a number of donors, which has to be taken on trust. For the remaining balance being borrowed, the bank has required that there is a lease to the school in place for a matching period of the term loan, which includes an annual rental payment. The trustees have given an undertaking to fund the school for the repayment of a term loan and feel confident the risk of non-payment is very low. The proposers have provided a detailed breakdown of the funding arrangements for the new build. The Council will not be required to make any financial contribution towards the new school building project or pay for any maintenance charges in respect of the existing school building.
- 1.59 All maintained schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely. Where proposals for a new VA school provide for the provision of playing fields, the duty to implement that part of the proposal (i.e. to provide the playing field) rests with the local authority. The current site in Wembley has limited outdoor space for physical education. The school makes use of the indoor hall, front yard and local fields for sports events. The new site will provide suitable outdoor space for pupils to participate in physical education, in accordance with the school curriculum, and to play outside safely.

Travel / accessibility

- 1.60 Almost all pupils on roll at the independent school reside in Barnet, evidencing that the school is preferred on grounds of religious ethos despite the excessive journey length and travel expenditure. The proposed relocation of the voluntary aided school closer will make the school more accessible to its pupils and support the local authority's duty to promote sustainable travel and transport to school. In accordance with its planning consent, the school has developed a School Travel Plan. Its aim is to maximise the use by pupils and teachers of public transport and walking and to significantly minimise private car use. Car sharing is encouraged where possible.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council is required to make a determination of the proposal to establish Noam Primary Independent as a voluntary aided school, within two months of the end of the statutory consultation by the school, which closed on 1 November 2018.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option open to the school proposers was to apply to join the state sector via the Free School route. This option was not pursued by the school.

4. POST DECISION IMPLEMENTATION

- 4.1 If the proposal is approved, Noam primary School will begin the process to join the maintained sector as a voluntary aided school. The school would become voluntary aided with effect from 1st January 2019 and begin receiving public funds from that date.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The quality of the education offer is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools. Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to deliver the Council's strategic objectives set out in its Corporate Plan 2015-2020:

- put children and families at the heart of everything we do with great schools and early years provision for our children
- have enough primary and secondary school places that are amongst the best in the country, so demand is met and children achieve the best they can, with the Council recognising this is why people choose to live in Barnet
- strive for the attainment and progress of children in Barnet schools to be within the top 10% nationally and progress of most disadvantaged pupils will be accelerated
- ensure every child has a great start in life and young people are well prepared for adulthood.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 On becoming a voluntary aided state maintained school, Noam Primary would be revenue-funded through Barnet's allocation of central government grant (Dedicated Schools Grant - DSG). The Education Funding Agency has confirmed that the pupils at Noam Primary would attract DSG funding on entry to the maintained sector. However, there are certain implications on Barnet's DSG that may impact on the overall DSG budget.
- 5.2.2 As any state maintained schools grows, the additional pupils are funded through a local 'growth fund' within the DSG which is in effect, top sliced from the overall DSG. This is the case for all newly created school places and is not unique to Noam Primary.
- 5.2.3 In relation to capital funding, the Council receives an annual allocation for the maintenance programme at community schools. The allocation is not sufficient to remedy or repair Barnet's existing maintained schools and many schools have to wait several years for remedial works. Therefore, Barnet's framework states that 'the school must demonstrate that it has sufficient financial resources to meet the financial responsibilities of any planned maintenance work for a 5-year period.
- 5.2.4 Please see paragraphs 1.57 and 1.58 above in relation to the commitment to fund any planned maintenance and any building works to accommodate additional pupils.
- 5.2.5 The financial health of the proposer and school are set out above in paragraphs 1.26 and 1.27.
- 5.2.6 There are no staffing implications for the council. Please see paragraphs 1.49 and 1.50 above for staffing issues in relation to the proposed voluntary aided school.
- 5.2.7 The premises at the proposed permanent site will meet the requirements of the School Premises (England) Regulations 2012. Please see paragraph 1.57 above.

5.3 Legal and Constitutional References

Section 11 of the Education and Inspections Act 2006 provides for the establishment of a new voluntary aided school, without requiring Secretary of State consent and without the need to seek proposals for a new free school. Voluntary aided schools will normally be opened to meet a specific type of need, commonly to meet demand for a particular faith group.

- 5.3.1 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 set out the process for establishing a new school. The process requires formal consultation for at least 6 weeks, followed by the publication of a statutory proposal and a 4-week representation period. This

process is the responsibility of the proposer. The decision of whether to establish a new voluntary aided school lies with Barnet Council, as the proposed authority to maintain the school.

5.3.2 Statutory guidance is provided in Opening and Closing Maintained Schools – November 2018. The consultation and representation responses are outlined below (Part 6) and the full text of all representations made is included in Appendix 1a(ii). These representations and all other relevant information contained in this report and appendices must be taken into account when making a decision.

5.3.3 The Council, as decision maker may

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable, after consulting the proposer; or
- approve the proposal – with or without modification – subject to certain conditions being met.

5.3.4 The conditions could include the grant of planning permission or delivery of a new site. This would mean that the conversion to a voluntary aided school could not happen until these conditions are met.

5.3.5 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.

5.3.6 The Council's Constitution, Article 7 sets out the terms of reference of the Children, Education and Safeguarding Committee which includes responsibility for

- all matters relating to children, education and schools and
- for determining arrangements for making nominations to the governing bodies of Local Authority administered schools

5.4 Risk Management

a) School Build Project Funding/ Lease to the School

The cost of the new school build is approximately £3.9m. NET has secured access to approximately £5.8m. The funding consists of a) donations and loans already received and held in cash (£1.325m approx.); b) firm pledges by supporters of the school (£2.25m approx.) and c) a commercial development loan (£2.28m approx.).

In total, NET has secured three loans to fund the project:

- £600k from a Charitable Trust, to assist cash flow (discussions are being

- held to potentially convert this into a gift)
- £2.28m Development Loan to be repaid from the outstanding pledges
- £1.2m Term Loan to be repaid from fund raising.

For the period of the Term Loan, the bank has required that there is a lease to the school in place for a matching period which includes an annual rental payment of £84,000 (the annual repayment under the term loan is approximately £67,000). The school, accordingly, will be put in funds for this amount to be paid by NET and anticipate no net cost to the school for the rent payment.

The proposers are confident in their ability to raise the necessary funds, from their experience as successful fundraisers. Noam each year reportedly hosts a fundraising dinner that raises approximately £100,000 and that money will be earmarked to cover the rent/loan repayment.

Noam considers that the risk of non-repayment of the loans is very low and have given assurance that the governors of Noam and the trustees of NET are fully committed to ensuring there is no repayment default. They have stated that in the unlikely event there is a default during the loan period then the school will continue to have the right to remain on the site under the lease. Noam does recognise there is a residual risk to the school should the bank enforce the security but believes this risk is low and well within the prudent/cautious range for planning purposes. Also, if the bank were to enforce the security it would be in all parties' interest to achieve an outcome that allows the school to continue operating and educating its pupils.

The proposers have provided the Council with a detailed outline of the funding arrangements and list of donors for the build project, in the strictest confidence. They have also offered to arrange a meeting between the financiers and the Council, if required.

b) The school is unable to sustain the curriculum offer within the resources available

The school is reliant on continued collection of voluntary contributions to fund faith-based curriculum. Any significant shortfall in donations could potentially have a significant impact on the delivery of the faith timetable. The proposers are confident that donations and voluntary contributions will continue and demonstrated past success in this area.

c) Reduced parental demand for the school

One impact of a reduction in the number of pupils would initially be a reduction in central government funding. A fall in pupil numbers would result in a reduction in funding to the school and to the local authority. Given the size of the school, it is particularly susceptible to changes in parental demand and is less able than larger schools to withstand some turbulence in demand.

The school's permanent site is in Planning Area 1, where school roll population is projected to increase, despite the overall falling demand recently experienced. The rising demand for Jewish School places, has been researched and outlined Staetsky and Boyd's report (Appendix 3)

Contingency measures available to the Council

In the event that the school is consistently unable to deliver a balanced budget the consequences would be as follows:

- the council would consider approving a licenced deficit if the issue was short term and there was a plan of action by the governing body to achieve a balanced budget (for example, changes to staffing levels).
- should a licenced deficit be refused or if a licenced deficit continued for longer than agreed, the council may conclude that there is evidence of poor financial management and the school could be deemed to be a 'school causing concern'. The council may then take action that leads it to exercise its powers under Section 66 of the Education and Inspections Act 2006 which enables a local authority to suspend the governing body's right to a delegated budget by giving the governing body of the school notice in writing and remove and replace the governing body with an interim body.
- there are a number of interventions available to the local authority and Secretary of State for schools causing concern and ultimately, the Secretary of State may direct a local authority to cease to maintain a school where that school is eligible for intervention other than by virtue of section 60A of the 2006 Act (non-compliance with teachers pay and conditions). In these circumstances, the cost of redundancy and closure would fall to the local authority.

5.5 Equalities and Diversity

5.5.1 There are a number of primary schools in Barnet that seek to provide education in accordance with the tenets of strictly Orthodox Judaism, which are regularly over-subscribed, evidencing the high demand for places at schools in the area for this type of education. Present trends indicate that this demand will continue to grow requiring further places to be created in the maintained sector.

5.5.2 By entering the maintained sector Noam will support the diversity of provision within the Barnet maintained sector reflecting the religious, ethnic and cultural diversity of its population. Providing additional Jewish primary school places within the state sector will enable the Orthodox Jewish community to have a greater choice of schools and help to meet the growing demand.

5.5.3 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. The school intends to work with schools of faith, different faiths and non-faith schools.

- 5.5.4 According to the recent Ofsted findings, there is no discernible difference between the progress that boys make compared to that of girls. Overall, boys and girls make good progress across the year groups.
- 5.5.5 There are a small number of pupils who speak English as an additional language. About one seventh of the school population have SEN and/or disabilities. There are currently no pupils who have an Education, Health and Care Plan (EHCP) or a statement of SEN, but two potential EHCPs are currently in process. A new SEN coordinator has been appointed. The school will adopt an inclusive approach to all children with SEN and disabilities but will not offer any specific reserved provision.

6. Consultation and Engagement

- 6.1.1 The school proposers undertook a 6-week formal consultation from 1 January 2018 to 19 February 2018, followed by publication of the statutory notice and proposal in Aug 2018. The prescribed 4-week representation period commenced on 4 October 2018 and ended on 1 November 2018. During the 6-week consultation, 28 responses were received; all in firmly favour of the change. During the four-week representation period, 15 responses were received, all firmly in support of the proposal. Those who responded were mainly parents of children at the school and strongly welcomed the proposal for the school to become voluntary aided. Rabbi David Meyer, Executive Director of PaJeS has submitted a letter in support of the proposal.
- 6.1.2 Whilst School Forum members have not been consulted explicitly on Noam Primary's application to become voluntary Aided, Noam has been included in the funding models as joining the maintained sector in the report to Forum, for this financial year (originally the school budget was set for 7 months as their expected joining date was 1st September 2018).
- 6.1.3 The proposers have stated that as part of the process to become voluntary aided, they have consulted with all primary schools within two miles of the proposed permanent site and all Early Years Foundation Stage providers within Barnet. No comments were received from any of the consultees (other than the response from Menorah Foundation School, already included in Appendix 1a(ii)).

7. Insight

- 7.1 The Council has referred to data that shows increasing demand for primary school places in the area (Planning Area 1), where the new school will be located. This is an area of major regeneration and additional pupil yield expected from 2020. The existing Orthodox Jewish primary schools in the area are all oversubscribed.

8. Corporate Parenting

- 8.1 The School Admissions Code imposes a mandatory requirement on governing bodies of maintained schools to give priority in its oversubscription criteria to all looked after children and previously looked after children. The code does not apply to independent schools and Noam Primary currently has no looked after children on roll.
- 8.2 The proposed admission arrangements for Noam Primary as a voluntary aided school give priority to all looked after children and previously looked after children of the faith before other children of the faith. In relation to children not of the faith, looked after children and previously looked after children not of the faith will be given priority above other children not of the faith.

9. BACKGROUND PAPERS

- a) Children, Education, Libraries and Safeguarding Committee Framework for considering applications from independent schools applying to move into the maintained sector 9th March 2015.
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=7927&Ver=4>
- b) DfE's Statutory guidance on 'Opening and closing maintained schools, dated November 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756328/Opening_and_Closing_maintained_schools_Guidance.pdf