

## Scrutiny & Overview Committee

Meeting held on Thursday, 4 February 2021 at 5.00 pm.  
This meeting will be held remotely and can be viewed on the council website.

### MINUTES

**Present: Scrutiny & Overview Committee members**

Councillor Sean Fitzsimons (Chair), Robert Ward (Vice Chair), Jerry Fitzpatrick, Oni Oviri, Andrew Pelling and Joy Prince

**Children & Young People Sub-Committee members**

Councillors Sue Bennett, Bernadette Khan, Helen Pollard, Louisa Woodley, Josephine Copeland (Co-optee), Leo Morrell (Co-optee), Elaine Jones (Co-optee) and Paul O'Donnell (Co-optee)

**Also Present:** Councillors Alisa Flemming, Stephen Mann and Pat Ryan

Croydon Council Officers - Debbie Jones (Interim Executive Director of Children, Families & Education), Shelley Davies (Interim Director of Education), Denise Bushay (Head of School Place Planning & Admissions)

External - Dr Simon Hughes (Director of Education – Southwark Archdiocese),

**Apologies:** Councillor Leila Ben-Hassel

### PART A

5/21 **Disclosure of Interests**

There were no disclosures of interest made at the meeting.

6/21 **Urgent Business (if any)**

There were no items of urgent business.

7/21 **CALL-IN Proposed closure of Virgo Fidelis Convent Senior School from August 2021**

The Chair of the Scrutiny & Overview Committee, Councillor Sean Fitzsimons introduced the Call-In item, outlining the reason why the 'Proposed Closure of Virgo Fidelis Convent Senior School' key decisions had been called in. It was confirmed that there were a number of reasons why the call-in had been made, which were as follows:-

1. To hold the decision takers to account on their decision and to the evidence that underpins their reasoning to recommend closure of Virgo Fidelis Secondary School.

2. To ensure that there are sufficient secondary school places in Croydon for Croydon pupils and that the decision will not adversely affect disadvantaged groups
3. To ensure that there is no undue negative impact on other Croydon schools as a result of this decision
4. To obtain reassurance on the future use of the site
5. To obtain reassurance on the treatment of the accumulated budget deficit
6. To ensure that the decision does not unduly restrict the choice of parents to send their children to a single sex school or a school of religious character.

In response to these concerns a report setting out additional information had been provided for the consideration of the Committee.

The Chair explained the process for considering a call-in, confirming that the Committee needed to agree whether to review the decision and if it was decided to proceed, to confirm how much time it wished to allocate for the discussion of the item. The Committee agreed that it would review the decision and allocated one hour and thirty minutes for consideration of the item.

The Chair went on to explain that there were three outcomes that the Committee could reach as a result of the review. These were:-

1. That no further action was necessary and the decision could be implemented as originally intended.
2. To refer the decision back to the Cabinet for reconsideration, outlining the nature of the Committee's concerns
1. To refer the decision to Council, if the Committee considered that the decision taken was outside of the Budget and Policy Framework.

At the start of the meeting the Chair gave the representative from the Southwark Archdiocese and council officers the opportunity to respond to the call-in. During this introduction it was highlighted that any proposed school closures were not taken lightly and would be based on the standard of education provided and the safety of the children attending the school. Both the Council and the Roman Catholic Archdiocese were in agreement on the closure of the Virgo Fidelis Convent Senior School and had approved the closure after following the process for closing schools. The main reasons for the closure of Virgo Fidelis were the unfit estate, the declining roll and the impact of the increasing deficit. The Council and the Archdiocese were working together to manage the smooth transition of pupils to new schools.

The Ward Councillors in attendance, Councillor Stephen Mann and Councillor Pat Ryan, were also given the opportunity to provide the local view on the closure. It was highlighted that there was regret that the school was closing after so many years, but it was understood that it had been in decline. Of major concern was the deficit of £2.5m, which would be passed to the Council upon closure, and how this would impact upon the education budget. Other concerns raised included the retention of facilities used by the local community, the distance to travel to alternative Roman Catholic schools and whether opportunities had been missed to provide support at an earlier stage. The first question from the Committee asked for further information on the background of Virgo Fidelis. It was confirmed that the Catholic Church had a

large number of voluntary aided schools, including 169 in the Southwark Archdiocese. Virgo Fidelis was different, as it was under the ownership of a religious order, but it was conducted within the same structure as a voluntary aided school. Although it was the Archbishop's decision on what schools were Catholic, neither the Archbishop or the Archdiocese had the power to appoint trustees to the school. The running costs of the school were met by the Local Authority from grants provided by the Department for Education. Previously, the Department for Education allocated parcels of money on a per capita basis for all voluntary aided schools. However, the funding process changed this year with all of the money given to Archdiocese to allocate based on the number of voluntary aided schools within their area.

All voluntary aided schools were in receipt of a small capital grant each year, which was used for maintenance and refurbishment. What work was prioritised would normally be decided by the head teacher. All voluntary aided schools had to make a 10% contribution to capital costs. At Virgo Fidelis, it had not been possible to make a grant as they were not able to fund the 10% contribution. Any maintenance that had been carried out by Archdiocese had prioritised safeguarding needs and urgent repairs.

Further information was requested on the transition of the students, including what safeguards had been put in place to build relationships with receiving schools. It was advised that it was essential to ensure a smooth transition and as with the closure of St Andrews School in 2019, the Education Service had worked with individual families to manage the in-year transition programme. It was important to give parents a choice of schools and although there was capacity at St Mary's School, there were other schools available. Work was also underway to ensure that all records were transferred across to the new schools.

As a follow-up, it was questioned whether the Catholic schools in the Archdiocese helped each other out? In response, both St Mary's School and the education team were commended for their management of the process. To improve parental choice, other catholic schools in the Archdiocese with spare capacity had been highlighted to parents, but the Coloma Convent Girls School, which was also in the borough, was currently oversubscribed.

In response to a question about the support for years 10-11 pupils, who had already experienced significant disruption over the past year, it was advised that all year 10 pupils had been kept together as a cohort at St Mary's School since September 2020. Although school transition was hard for all children, it had gone as well as could be expected.

There was concern expressed about the potential distances to other single sex catholic schools, should parents want their daughters to continue their education within a similar environment. It was advised that parental choice was hugely important and was why attempts had been made over the last few years to support the school. Unfortunately, these attempts had not be successful and a decision to close the school had been taken to ensure the safety of the pupils.

Significant concern was raised by the Committee about the £2.5m debt from Virgo Fidelis being passed to the Council, with the school closure. It was questioned whether there was any scope for recovering this debt. In response it was advised that concerns had been raised with the school about the size of the debt over a number of years and the debt would have only increased

without the decision to close. The Archdiocese had also raised the possibility of funding school repairs from selling some of the land surrounding the school, but had been advised that this would not happen.

The Council had issued a warning notice in 2017, due to concerns about the school, but shortly after Ofsted had carried out an inspection which had resulted in a 'Good' rating, which delayed the process despite these concerns. A second notice had subsequently been issued, which had resulted in an Interim Executive Board (IEB) being installed to oversee the running of the school. The Council was in the process of seeking legal advice to find out if there was any possibility of recovering any of the deficit. It was confirmed that the deficit would not have an impact on the funding of other schools in the borough, but would sit within the Children Services budget line, creating additional budgetary pressures.

It was stated that there seemed to have been a number of red flags raised over time, and despite the action taken by the Council and the Archdiocese a significant deficit of £2.5m had been incurred that would now be passed to the Council. As such, it was suggested that there seemed to be an issue within the system, which allowed schools to incur a deficit without accountability.

As this was the second voluntary assisted school closure in the north of the borough in two years, it was questioned how this would impact upon the availability of school places and whether there were any other schools at risk of closure. It was advised that the closure of a school did have an impact upon the numbers of places available, as would the opening of new schools. It was important to ensure that there was parental choice and it would always be the case that some schools would be more popular than others. Funding was determined by the number of pupils on the school roll, which would only serve to increase the deficit as pupil numbers dropped.

In response to a question about the lessons learned from the closure of Virgo Fidelis, it was advised that it was important to have a robust system in place to monitor schools that either have or the Council thinks will have a deficit. There also needed to be robust plans in place to manage surplus school places to ensure that schools with a deficit have the right level of support.

It was confirmed that the Council and the Archdiocese had worked well together in managing the closure of Virgo Fidelis and also in general to support the other Roman Catholic schools in the borough. It was suggested that a possible lesson to learn would be to empower governors at other schools to recognise warning signs to ensure the right decisions were made for the future of the school in question.

In response to a question about other schools in the borough with a deficit, it was advised that a report on this would be considered by the General Purposes and Audit Committee. As part of the process of managing the deficit, the Council was trying to include conversations with members of the governing body, as well as head teachers. Assurance was given that the Council was being more robust in requesting information on deficits from schools.

It was questioned whether the other voluntary assisted schools in the borough had similar issues, but it was confirmed that both Coloma Convent Girls School and St Joseph's School were successful and in strong positions.

In response to a question about whether the Archdiocese was able to provide support for Religious Order's unable or unwilling to contribute the 10% fee for

capital maintenance, it was advised that no school had enough money. Most schools could only afford to do essential maintenance such as repairing heating systems or rectify an issue that might impact upon the safety of the pupils.

It was confirmed that the governors of the Virgo Fidelis School had been removed as part of the IEB process, which replaced them with the Interim Executive Board. The IEB was in agreement with the decision to close the school. It was also confirmed that the school site would not be redeveloped and would be used for another educational purpose.

At the end of the discussion, the Chair thanked the attendees for their engagement with the Committee and the openness in which their questions were answered.

### **Conclusions**

Following discussion of the item, the members of the Scrutiny & Overview Committee, along and the Children & Young People Sub-Committee reached the following conclusions:-

1. The Committee concluded that the evidence provided in the report, along with the responses given to questions asked at the meeting, had provided sufficient reassurance that the original Cabinet decision was the correct course of action. As such no further action was necessary and the decision could proceed as intended.
2. The Committee commended the work of both the Archdiocese and the Council in consulting with residents over the closure of Virgo Fidelis and the management of the transition of pupils to other schools.
3. Notwithstanding the reassurance taken on the transition of former Virgo Fidelis pupils to new schools, it was agreed that further reassurance would be sought by the Children & Young People Sub-Committee, at a later date, on the ongoing management of the transition.
4. The Committee welcomed confirmation that the Council was taking a more robust approach to managing schools in deficit, but remained concerned about the governance arrangements for schools who were experiencing difficulties; in particular, the ability of governors to raise issues to the local authority.
5. The Committee endorsed the approach of the Council in seeking legal advice over the possibility of recouping any of the £2.5m deficit that would be passed onto the Council with the closure of Virgo Fidelis.
6. The Committee felt that General Purposes and Audit Committee, as the appropriate Council body for managing risk, should be given oversight of school deficits in the borough on at least an annual basis. This should include a reviewing the risk factors involved to the schools deficits, such as governance and ownership complexity.
7. The Committee agreed that it would be useful for the Children & Young People Sub-Committee to be provided with information on the demand from Roman Catholic parents for Roman Catholic school places in the borough, when it next considered school place planning.
8. It was also agreed that consideration should be given to the questionnaire on school applications and whether a question could be added on whether faith had a bearing on the choice of school.

### **Recommendations**

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The members of the Scrutiny & Overview Committee and the Children & Young People Sub-Committee agreed to make the following the following recommendations to the Cabinet Member for Children, Young People & Learning:-

1. That a further report on the transition of pupils from Virgo Fidelis School be scheduled for a meeting of the Children & Young People Sub-Committee at a date to be determined.
2. That an annual report on the schools deficit in the borough be programmed into the work plan for the General Purposes and Audit Committee, and include a thorough review of the risk factors involved.
3. That when the Children & Young People Sub-Committee next reviewed school place planning in the borough, that information was included on the demand for faith schools.

8/21 **Exclusion of the Press and Public**

This motion was not required.

The meeting ended at 7.25 pm

**Signed:**

**Date:** .....