

Scrutiny & Overview Committee Agenda



To: Councillor Sean Fitzsimons (Chair), Robert Ward (Vice-Chair), Leila Ben-Hassel (Deputy-Chair), Jerry Fitzpatrick, Oni Oviri and Joy Prince

Reserve Members: Jeet Bains, Robert Canning, Richard Chatterjee, Pat Clouder, Mary Croos and Andrew Pelling

A meeting of the **Scrutiny & Overview Committee** which you are hereby summoned to attend, will be held on **Thursday, 4 February 2021 at 5.00 pm. This meeting will be held remotely.**

Jacqueline Harris Baker
Council Solicitor & Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
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www.croydon.gov.uk/meetings
Wednesday, 27 January 2021

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If you require any assistance, please contact Simon Trevaskis 0208 7266000 as detailed above.

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

2. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

3. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

4. CALL-IN Proposed closure of Virgo Fidelis Convent Senior School from August 2021 (Pages 5 - 90)

The Committee is asked consider and respond to the Call-In in accordance with the procedure set out in the Council's constitution.

5. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

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REPORT TO:	SCRUTINY AND OVERVIEW COMMITTEE 4 February 2021
SUBJECT:	CALL IN: Proposed Closure of Virgo Fidelis Convent Senior School
LEAD OFFICER:	Stephen Rowan, Head of Democratic Services and Scrutiny
CABINET MEMBERS:	Councillor Alisa Flemming, Cabinet Member for Children, Young People & Learning

ORIGIN OF ITEM:	This item has been triggered by the call-in of the decision by the Cabinet on 18 January 2021 on the proposed closure of the Virgo Fidelis Convent Senior School.
BRIEF FOR THE COMMITTEE:	To consider and respond to the Call-In in accordance with the procedure set out in the Council's constitution (set out in paragraph 2.3 below).

1. EXECUTIVE SUMMARY

- 1.1 The decision taken on the proposed closure of the Virgo Fidelis Convent Senior School by the Cabinet on 18 January 2021 has been called-in by the Chair, Vice-Chair and Deputy-Chair of the Scrutiny & Overview Committee. The decision was made by the Leader to delegate this decision to the Cabinet.
- 1.2 Attached to this report are:
- **Appendix A** is the Proposed Closure of Virgo Fidelis Convent Senior School - Cabinet Report
 - **Appendix B** is the Key Decision Notice
 - **Appendix C** is the completed call in form that was received by the Monitoring Officer

2. CALL-IN – PROPOSED CLOSURE OF VIRGO FIDELIS CONVENT SENIOR SCHOOL

- 2.1 The decision taken by the Cabinet, that is the subject of this call-in, was as follows:

*The Cabinet **RESOLVED** :*

1. *Consider the representations made in response to the statutory notice and consultations regarding the proposed closure of Virgo Fidelis Convent Senior School from August 2021; and*
2. *Approve the proposed closure of Virgo Fidelis Convent Senior School from August 2021.*

- 2.2 The call-in pro-forma is attached at Appendix C. The decision form was received on 22 January 2021 from the Chair of the Committee, Councillor Sean Fitzsimons and was signed via email by the Vice-Chair, Councillor Robert Ward and the Deputy-Chair, Councillor Leila Ben-Hassel.

2.3 The reasons stated for the Call-In are that:

- “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.”

2.4 The outcomes desired from the Call-In are stated as:

“For the decision makers to give a satisfactory response to the above queries and to hear from the Roman Catholic Archdiocese of Southwark.”

2.5 The Call-In request did not request the provision of additional information prior to the meeting on 4 February 2021.

3. CALL-IN PROCEDURE

3.1 The Council’s Constitution, Part 4E Scrutiny & Overview Procedure Rule, states:

“11.08 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Borough Solicitor, this would cause undue delay. In such cases the Borough Solicitor, will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.

11.09 At the meeting, the referral will be considered by the Committee which shall determine how much time it will give to the call-in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.

11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader or Cabinet is outside the Budget and Policy Framework of the Council. The Council may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet’s decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

11.12 If the Council determines that the decision was within the Policy Framework and consistent with the Budget, it will refer any decision to which it objects, together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either, amend, withdraw or implement the original decision

within 10 working days or at the next meeting of the Cabinet after the referral from the Council.

11.13 The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.

11.14 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 11.08 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.”

CONTACT OFFICER:

Simon Trevaskis

(Senior Democratic Services and Governance Officer)

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APPENDIX A: Proposed Closure of Virgo Fidelis Convent School – Cabinet report

APPENDIX B: The Key Decision notice

APPENDIX C: Call-In Proforma

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REPORT TO:	CABINET 18 JANUARY 2021
SUBJECT:	Proposed closure of Virgo Fidelis Convent Senior School
LEAD OFFICER:	<p>Debbie Jones - Interim Executive Director, Children, Families and Education</p> <p>Shelley Davies – Interim Director, Education and Youth Engagement</p> <p>Denise Bushay – Interim Head of Service, School Place Planning and Admissions</p>
CABINET MEMBER:	Councillor Flemming, Children, Young People and Learning
WARDS:	All
<p>CORPORATE PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON</p> <p>The recommendations in this report are in line with the new corporate priorities and new Ways for renewing Croydon:</p> <ul style="list-style-type: none"> - We will live within our means, balance the books and provide value for money for our residents. - We will focus on tackling ingrained inequality and poverty in the borough. - We will focus on providing the best quality core service we can afford. <p>Appendix D - Administration Priorities for the Croydon Renewal Plan</p>	

<p>FINANCIAL IMPACT</p> <p>Virgo Fidelis Convent Senior School currently has a projected year end deficit of £2.178m by March 2021, and a total estimated deficit of £2.5m by August 2021. Under current legislation, where a maintained school closes any balance held by the school (whether surplus or deficit) reverts to the Local Authority and the final projected deficit will have a negative impact on the Council's revenue budget.</p> <p>Officers continue to explore options to minimise expenditure and for additional income to be generated from the schools site to offset some or all of this forecast deficit.</p>
<p>FORWARD PLAN KEY DECISION REFERENCE NO.: 0221CAB</p> <p>The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee</p>

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

1. RECOMMENDATIONS

1.1 The Cabinet is recommended to:

- (i) consider the representations made in response to the statutory notice and consultations regarding the proposed closure of Virgo Fidelis Convent Senior School from August 2021; and
- (ii) approve the proposed closure of Virgo Fidelis Convent Senior School from August 2021.

2. EXECUTIVE SUMMARY

- 2.1 This paper reports on the outcomes from the statutory consultations on the proposed closure of Virgo Fidelis Convent Senior School from August 2021. It recommends that cabinet consider representations made and decide whether to approve the proposed closure of the school from 31st August 2021.
- 2.2 The report includes a summary of responses and representations received during the consultation periods and the council and diocese response to issues/concerns raised. The consultation documents and outcome reports are appended to this report.
- 2.3 Virgo Fidelis Convent Senior School, is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood. The Interim Executive Board [IEB], in consultation with Croydon Council and the Archdiocese of Southwark agreed to undertake statutory consultation on the proposed closure of Virgo Fidelis Convent Senior School, from August 2021.
- 2.4 The reasons for the proposed closure are because the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use); the pupil roll has fallen consistently over the past several years; the school budget has been in deficit over the past several years with the school now in significant debt.
- 2.5 A pre-publication consultation on the proposed closure of Virgo Fidelis Convent Senior School took place from 01 October 2020 to 23 October 2020. A total of 60 responses were received during the pre-publication consultation period and the majority do not support the proposed closure of the school. The full outcomes report is at Appendix 1a.
- 2.6 The representation - formal consultation - on the proposed closure of Virgo Fidelis Convent Senior School started on 12 November and ended on 10 December 2020 and the majority of respondents do not support the proposed closure of the school. The full outcomes report is at Appendix 2b.

3. DETAIL

- 3.1 Virgo Fidelis Convent Senior School, is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood in the London Borough of Croydon. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Croydon.
- 3.2 The Interim Executive Board (IEB), in consultation with Croydon Council and the Archdiocese of Southwark agreed to commence the statutory process for the proposed closure of the school from August 2021 as the school is no longer considered viable due to the majority of the building being unfit for purpose; low pupil number and significant deficit. As a consequence of these factors, the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum.
- 3.3 On 1st October 2020, the Leader of the Council delegated authority to the Executive Director of Children, Families & Education, in consultation with the Cabinet Member for Children, Young People & Learning to authorise the Council to commence the statutory process — consultation; publication of proposal and representation - regarding the proposed closure of Virgo Fidelis Convent Senior School.
- 3.4 Pre-publication consultation
In line with the Department for Education guidance: Opening and closing maintained schools, Statutory guidance for proposers and decision-makers, November 2019, a pre-publication consultation on the proposed closure of the school took place from 01 October 2020 to 23 October 2020 where those who will be directly affected by the proposed closure could share their views.
- 3.5 A total of 60 responses were received during the pre-publication consultation period; 57 of the 60 responses were received via the online survey and 3 were received via email. Of the 57 online respondents:
- 32 do not support the proposed change.
 - 12 do support the proposed change
 - 12 were not sure
 - 1 was not affected/did not wish to answer the questions
- 3.6 The consultation document – Appendix 1; and consultation outcomes report – Appendix 1a – are attached.
- 3.7 Publication of statutory notice / Representation – formal consultation
A statutory notice was published in the Croydon Guardian newspaper and on the Council and school's website on 12 November 2020, which started the representation - formal consultation period. The formal consultation period lasted four weeks from 12 November to 10 December 2020 which allowed any person to send objections or comments to the council.
- 3.8 A total of 34 responses have been received during the representation period, of which:
- 22 do not support the proposed closure of the school,
 - 8 do support the proposed closure of the school, of which
 - 4 were not sure

3.9 The statutory notice – Appendix 2; representation document – Appendix 2a; and representation outcomes report -are attached at Appendix 2b.

3.10 Issues raised during pre-publication and representation periods

The main issues raised during both consultation periods are

- (a) about the potential disruption on students' education;
- (b) loss of Catholic Secondary School places and single sex schools in Croydon; and
- (c) history attached to the school

3.11 Response to issues raised

(a) about the potential disruption on students' education.

To minimise any potential disruption, subject to approval, the proposed closure will take place at the end of the academic year – 31st August 2021. This will mean that Year 10 pupils can continue their learning at St Mary's Catholic High School; Year 11 students would have completed their GCSE examinations and pupils in Years 8 and 9 at the school can start the academic year at a new school.

(b) loss of Catholic Secondary School places and single sex schools in Croydon

The council will continue to work closely with the Archdiocese of Southwark regarding Catholic secondary school places within the borough.

A key part of the council's duty is to provide diversity in its educational offers to increase opportunities for parental choice. Whilst bearing this in mind, it is important to note that there has been a declining roll at the school which has contributed to a significant financial deficit as the majority of funding received by schools is determined by the number of children on roll.

Currently there is sufficient school places across the borough to accommodate pupils on roll at Virgo Fidelis, and including places in Catholic Schools.

(c) history attached to the school

The Trustees response - The school's buildings will remain with the Trustees of Our Lady of Fidelity Established at Upper Norwood, London, who will look to maintain the historic buildings where possible.

3.12 The consultation outcome reports – Appendices 1a and 2b - contain the full details and our response to the issues raised.

3.13 The council's cabinet is the final decision maker on the proposed closure of Virgo Fidelis Convent Senior School and must make a decision within a period of two months of the end of the representation period, otherwise the proposal must be referred to the Schools Adjudicator for decision.

4. CONSULTATION

- 4.1 The Department for Education statutory guidance for proposers and decision-makers - Opening and closing maintained schools, November 2019 – outline the statutory process that must be followed for closing a maintained school:
- (i) It is a statutory requirement to consult any parties the proposer thinks is appropriate before publishing proposals
 - (ii) A statutory proposal should be published within 12 months of the initial consultation period being completed
 - (iii) The representation period starts on the date of publication of the statutory proposal and must last for four weeks. During this period, any person or organisation can submit comments on the proposal to the LA, to be taken into account by the decision-maker.
- 4.2 The council has been compliant to the above statutory requirements in relation to the proposed closure of Virgo Fidelis Convent Senior School. A copy of the consultation document, statutory notice and representation document is attached at Appendices 1, 2 and 2a respectively.

5. PRE-DECISION SCRUTINY

- 5.1 This report did not go a Scrutiny meeting.

6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 The reasons for the proposed closure are because the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use); the pupil roll has fallen consistently over the past several years; the school budget has been in deficit over the past several years with the school now in significant debt.
- 6.2 Funding for schools is largely based on pupil numbers, and with reducing demand for places in recent year Virgo Fidelis has had insufficient funding to cover costs. In addition to a large portion of funding being directly related to the number of pupils attending a school, irrespective of the pupil numbers there are fixed running costs to be met from the schools delegated budget. Over the past number of years, the school's financial position has worsened as a consequence of a fall in pupil numbers, exacerbated by a deteriorating estate.
- 6.3 Virgo Fidelis financial position over the past four years and the estimated final position, as at 31 March 2021, is outlined in the table below:

Year	Delegated Funding £	Deficit (Carry Forward) £
2016-17	2,656,689	-839,000
2017-18	2,435,828	-1,267,621
2018-19	2,502,844	-1,669,868
2019-20	2,521,750	-1,947,346
2020-21	2,344,995	-2,177,728

- 6.4 Virgo Fidelis had a carried forward deficit of £1.947m as at March 2020, with a projected year end deficit of £2.178m (operating with a 2019/20 in-year deficit of £0.231m) by March 2021, and a total estimated deficit of and estimated £2.5m by August 2021. This deficit will only increase if the school remains open and does not operate at full capacity.
- 6.5 Under current legislation, where a maintained school closes any balance held by the school (whether surplus or deficit) reverts to the Local Authority and cannot be transferred as a balance to any maintained school, even where the school is a successor to the closing school.
- 6.6 Therefore, the closure of Virgo Fidelis will have a negative impact of approx. £2.5m on the Council's revenue budget. This will put increasing pressure on an already heavily pressurised budget and will need to be funded by the Council taxpayers of Croydon.
- 6.7 During the next 12 months the Council will be working with Virgo Fidelis and the Diocese to ensure that the school manages its budget as efficiently and effectively as possible to ensure the final deficit is kept to a minimum. Options will be explored to see if any additional income can be generated from this site to offset some or all of this forecast deficit.

Approved by: Kate Bingham (Interim) Head of Finance, Children, Families and Education on behalf of Lisa Taylor, Director of Finance, Investment and Risk and S151 Officer.

7. LEGAL CONSIDERATIONS

- 7.1 School place planning duties (s13-14 Education Act 1996).
- 7.2 The Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.
- 7.3 Section 16 of the Education & Inspections Act 2006 establishes the consultation procedures for statutory proposals, and local authorities also have a duty to have regard to statutory guidance, in this particular case, the Department for Education's (DfE) guidance: "Opening and closing maintained

schools, Statutory guidance for proposers and decision-makers, November 2019.”

- 7.4 The Cabinet should consider the views of all those affected by the proposal or who have an interest in it. This includes statutory objections and comments submitted during the representation period. These are summarised in paragraphs 3.5 and 3.8 and full details in appendices 1a and 2b. The Cabinet should not simply take account of the numbers of people expressing a particular view when considering representations made on the proposal but should give the greatest weight to representations from those stakeholders most directly affected by the proposal.
- 7.5 The Cabinet must be satisfied that the consultation meets statutory requirements. If the requirements have not been met, the Cabinet may judge the proposal to be invalid and should consider whether they can make a decision on the proposal. Alternatively the Cabinet may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposal as a whole.
- 7.6 The LA will be the decision-maker on a school closure proposal and must make a decision within a period of two months of the end of the representation period or refer the case to the Schools Adjudicator. When issuing a decision, the decision-maker can:
- reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with such modifications as they think desirable, after consulting the LA and/or proposer (as appropriate); or
 - approve the proposal – with or without modification – subject to certain conditions¹⁵ (such as the granting of planning permission) being met.

Approved by: The Head of Social Care & Education Law comments on behalf of the Council Solicitor & Monitoring Officer.

8. HUMAN RESOURCES IMPACT

- 8.1 Communication and consultation with both teaching and support staff will commence and will continue alongside representatives of the relevant professional associations and trade unions. This is supported by the school’s HR provider.
- 8.2 Consultation and process will abide in accordance to the Employment Rights Act 1996 and the Schools policies and procedures relating to Restructuring, Reorganisation and Redundancy Procedure

Approved by: Nadine Maloney, Head of HR Children, Families and Education, on behalf of the Director of Human Resources.

9. EQUALITIES IMPACT

- 9.1 An equality analysis has been undertaken to help us to understand whether people with protected characteristics, as defined by the Equality Act 2010, will be disproportionately affected by the proposed closure of the school.
- 9.2 Croydon schools provide diverse educational provision in terms of type/category, size and educational sponsors. These include faith/church schools, special schools, mainstream schools and Academies /Free Schools. Pupils are allocated a school place based on the admissions criteria which aims to promote fair access to schools and are compliant with the School Admissions Code.
- 9.3 The proposed strategy supports the Council's general equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.
- 9.4 The equality analysis indicates that the proposed changes will not negatively impact on any groups that share protected characteristics and that no major change is required as the proposal meets the general and specific equality duties as required by the Equality Act. However, it is acknowledged that if the proposal is approved, it will result in less Catholic schools in the borough, however there will still be sufficient Catholic School places.
- 9.5 As part of the proposal to close a school that has been designated with a religious character, the council is required to consider the effect that this will have on the balance of denominational provision in the area. The Council will continue to work closely with the Diocese regarding Catholic secondary schools within the borough.
- 9.6 School Admissions would ensure that appropriate provisions are in place for any displaced pupils. They would ensure that parental preference and family circumstances such as siblings are considered when offering school places to minimise the impact on families where possible.
- 9.7 An individual and tailored approach will be used to help pupils with disabilities transition to another school. School transport support provided. An alternative place will be identified that meets their needs

Approved by: Yvonne Okiyo, Equalities Manager

10. ENVIRONMENTAL IMPACT

- 10.1 The Council will work with schools to monitor the energy performance post works so that this can be captured in lessons learnt for future projects

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 Children being in school will help prevent criminal and anti-social behaviour or being victim of such behavior and reduce the number of children and young people in the criminal justice system.

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 The recommendations of this report are set out to ensure that the Council is compliant with its statutory duties as an education authority:
- School Place Planning (s13-14 Education Act 1996) to promote high standards of education and fair access to education; secure sufficient primary and secondary education, including SEN to meet the needs of the population of its area

13. OPTIONS CONSIDERED AND REJECTED

- 13.1 If Cabinet do not approve the proposed closure of the school, this would mean that the School's financial position would worsen, further impacting on the quality of education for its current pupils and leaving an even bigger budget deficit
- 13.2 The IEB, Croydon Council and Archdiocese of Southwark share the collective view that the school is no longer viable. There are several reasons contributing to this shared view, chiefly:
- the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use)
 - the pupil roll has fallen consistently over the past several years
 - the school budget has been in deficit over the past several years with the school now in significant debt.

As a consequence of the above, as well as other factors, the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum that it would be reasonable to expect of a modern secondary school now and in the immediate and longer term future.

- 13.3 Any displaced pupils at Virgo Fidelis Cabinet will be offered an alternative place at another school, that meets the needs of the pupils. including places in single sex and Catholic schools

14. DATA PROTECTION IMPLICATIONS

- 14.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

- 14.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

NO

This report does not include any personal data.

The Director of Education comments that this report does not contain any personal data.

Approved by: Shelley Davies - Interim Director of Education and Youth Engagement

CONTACT OFFICER:

Denise Bushay – Interim Head of Service,
School Place Planning & Admission,
07850882628

APPENDICES TO THIS REPORT

Appendix 1 – Pre-publication consultation document

Appendix 1a – Pre-publication consultation outcomes report

Appendix 2 – Statutory Notice

Appendix 2a – Representation – formal consultation – document

Appendix 2b – Representation – formal consultation – outcomes report

Appendix 3 – Equality Analysis

Appendix 4 – Difference between community and voluntary aided school

Appendix 5 – History of Virgo Fidelis Convent Senior School

BACKGROUND DOCUMENTS:

None

Pre-publication Consultation on the proposed closure of Virgo Fidelis Convent Senior School

Consultation period: 01 October 2020 to 23 October 2020

Consultation document

About the school

Virgo Fidelis Convent Senior School, is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood in the London Borough of Croydon. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Croydon. The school is situated at 147 Central Hill, Upper Norwood, London, SE19 1RT.

The Proposal

The Interim Executive Board [IEB], in consultation with Croydon Council and the Archdiocese of Southwark have agreed to commence the statutory process for the proposed closure of the school in August 2021 following completion of Year 11 GCSE examinations.

Reason for the proposed closure

The IEB, Croydon Council and Archdiocese of Southwark share the collective view that the school is no longer viable. There are several reasons contributing to this shared view, chiefly:

- the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use)
- the pupil roll has fallen consistently over the past several years
- the school budget has been in deficit over the past several years with the school now in significant debt.

As a consequence of the above, as well as other factors, the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum that it would be reasonable to expect of a modern secondary school now and in the immediate and longer term future.

Statutory requirement

In line with the Department for Education's (DFE) guidance: *Opening and closing maintained schools, Statutory guidance for proposers and decision-makers, November 2019*, subject to approval, the council will be following the statutory process for closing a maintained school which consists of 5 stages:

Stage 1: consultation - it is a statutory requirement to consult any parties the proposer thinks is appropriate before publishing proposals. It is for the proposer to determine the nature and length of the consultation. The purpose of this consultation is to seek the views and engage with those that will be directly affected by the proposed closure of Virgo Fidelis Convent Senior School.

It is also an opportunity for interested parties to suggest options for consideration on the proposed closure of Virgo Fidelis Convent Senior School in August 2021.

Stage two: publication - A statutory proposal should be published within 12 months of the initial consultation period being completed.

Stage three: representation - The representation period starts on the date of publication of the statutory proposal and MUST last for four weeks. Any person can send objections or comments on the proposal to Croydon Council.

Stage four: decision - The LA will be the decision-maker on a school closure proposal.

Stage five: implementation - There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation.

Impact of the closure

Years 7 and 10 pupils

The Office of the Schools Adjudicator approved the suspension of entry to Year 7 for September 2020. Year 7 pupils who accepted a place at Virgo Fidelis have been offered an alternative school place at Notre Dame High School, an all-girls' Roman Catholic comprehensive school situated in Elephant and Castle; or another school of choice. Year 10 students will be taught on the site of St Mary's Catholic Secondary School. Subject to approval of the proposed closure of Virgo Fidelis, the governors of St Mary's Catholic Secondary School have agreed to retain the Year 10 pupils as they move into the final year of their education in a COVID-secure and single-sex location away from the rest of the school. The pupils who remain will be enrolled at St Mary's for Year 11.

Current Pupils

Years 8 and 9 will be offered alternative places at other schools, subject to approval for the proposed closure of the school. Year 11 pupils will have completed their GCSE examinations in July 2021, and the proposed closing date of the school is August 2021.

Staff

The Local Authority and Diocese will work collaboratively to seek to redeploy all staff, or as many as possible, into alternative positions in other schools locally.

Community

Local residents will have the opportunity to express their views during this consultation and the representation period.

School Places

School roll projections indicate sufficiency of secondary school places across the Borough for the next 3 years, however this will be reviewed / monitored if the proposed closure of Virgo Fidelis is approved.

Balance of denominational provision

With regards to diversity of education provision and parental preference, the proposed closure will reduce the number of Roman Catholic school places available in the Borough if an alternative plan has not been agreed by the Diocese.

Who we are consulting

We are consulting with the school, parents/carers, governors and the local community on the proposed closure of the school. In addition, we would welcome the views of:

- all schools / admission authorities in Croydon – governing body / academy trust
- neighbouring Admission Authorities;
- Ward members;
- The Diocese
- Students
- anyone else who has an interest or may be affected by the proposed closure of the school.

Consultation period

This consultation will run from **01 October 2020 to 23 October 2020**, during this time you are invited to respond to Croydon Council on the Interim Executive Board's proposal to close the school.

Consultation Timetable

21 Sep 2020	Seek approval from Council to start consultation <i>via delegated authority</i>
01 Oct 2020	Stage 1: Start of consultation
23 Oct 2020	End of consultation period and deadline for response
26 Oct 2020	Analysis of response and preparation of consultation outcomes report
6 Nov 2020	LA considers consultation outcome and decides whether to approve publication of notice
	<i>Subject to approval</i>
12 Nov 2020	Stage 2: Publication of statutory notice
12 Nov 2020	Stage 3: Start of representation period
10 Dec 2020	End of representation period
18 Dec 2020	Analysis of responses and preparation of representation outcome report
Jan 2021	Report to Cabinet Committee

18 Jan 2021	Stage 4: Council's cabinet committee decision on whether to close the school
26 Jan 2021	Key decision implementation (subject to call-in) at 1pm
31 Jan 2021	Stage 5: Implementation of proposed school closure, if approved
31 August 2021	Proposed closure of Virgo Fidelis, subject to approval

How to give your views

This consultation period allows anyone with an interest to comment or raise any concerns about the proposal to close Virgo Fidelis Convent Senior School in August 2021, by:

- Completing the online questionnaire at www.croydon.gov.uk/getinvolved or paper copy of the questionnaire (Annex A below) and returning it by post to the address below or by email to the address below.

- Writing to:

School Place Planning
Croydon Council
School Place Planning Team
4th Floor Zone A
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

- Email: school.org@croydon.gov.uk

Due to COVID-19, the majority of staff are currently working from home and therefore we encourage responses to be submitted electronically either via the online questionnaire or by email where possible.

What happens next?

After the closing date of **23 October 2020**, responses will be analysed and a consultation outcomes report produced. This will be presented to the Executive Director, Children, Families & Education and Cabinet Member for Children, Young People & Learning to consider the outcome of the consultation and decide whether to publish a statutory notice and start the representation period on the proposed school closure. The outcomes report will be shared with the Diocese and IEB of Virgo Fidelis.

The results of the consultation will be published on the Council's website / school webpage.

Annex A below – Questionnaire

Questionnaire

Proposed closure of Virgo Fidelis Convent Senior School

1) Please tell us whether you support/do not support the proposed closure of Virgo Fidelis Convent Senior School

I support the proposed school closure

I do not support the proposed school closure

Not sure

I am not affected by/do not want to answer questions about the proposed closure

2) If you do not support the proposed change, please tell us why.

3) We are keen to understand how the proposed school closure may affect you. Please use this space to tell us if you are impacted by the proposed school closure and how. What can we do to address any impacts you have mentioned?

4) Do you have any alternative suggestions to any part of the proposal?

About You

We are endeavouring to receive comments from a broad range of people reflective of our community. In order to enable us to assess the degree to which this has been successful, it would be helpful if you could take a moment to complete the section below.

The Council will take all reasonable measures to ensure that any data provided will be protected against loss or misuse. Your information will not be retained or shared with any other parties and will be destroyed in line with relevant destruction policies and processes.

5) Please tell us who you are.

- Member of staff at Virgo Fidelis Convent Senior School
- Member of staff at another school
- School Governor at Virgo Fidelis Convent Senior School
- School Governor at another school
- Parent/carer of a child/children at Virgo Fidelis Convent Senior School
- Parent/carer of child/children at another school
- Pupil at Virgo Fidelis Convent Senior School
- Local resident
- Prefer not to say
- Other (Please specify) _____

6) Gender:

- Male
- Female
- Transgender
- Prefer to self-describe
- Non-binary
- Prefer not to say

7) Age:

- Under 15
- 16-18
- 19-25
- 26-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to say

8) Which of the following best describes your ethnic background?

- White British
- White Irish
- White European
- Other white
- Mixed white and black Caribbean
- Mixed white and black African
- Mixed white and Asian
- Other mixed background
- Asian or Asian British: Indian
- Asian or Asian British: Pakistani
- Asian or Asian British: Bangladeshi
- Asian or Asian British: Chinese
- Other Asian or Asian British Background
- Black or Black British: Caribbean
- Black or Black British: African
- Other Black or Black British background
- Arabic
- Prefer not to say

Other Please specify _____

9) Do you consider yourself to have a disability?

- No
- Yes
- Prefer not to say

10) Please specify

- Mobility
- Visual impairment
- Hearing impairment
- Mental Health
- Learning disability
- Prefer not to say
- Other (Please specify) _____

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Proposed closure of Virgo Fidelis Convent Senior School

Pre-publication Consultation Outcomes Report

1 Proposal

The proposal is to close Virgo Fidelis Convent Senior School in August 2021 following completion of Year 11 GCSE examinations.

- 1.1 There are several reasons for the proposed closure of the school, mainly because the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum that it would be reasonable to expect of a modern secondary school now and in the immediate and longer term future.
- 1.2 The majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use); the pupil roll has fallen consistently over the past several years; the school budget has been in deficit over the past several years with the school now in significant debt.

2. Consultation outcomes report

- 2.1 The purpose of this report is to provide the Interim Executive Director - Children, Families and Education, Cabinet Member for Children, Young People & Learning, and the Interim Executive Board (IEB) with the outcomes from the pre-publication consultation on the proposed closure of Virgo Fidelis Convent Senior School in August 2021.
- 2.2 This report is based on the responses received during the pre-publication consultation period when we sought views and engaged with those that will be directly affected by the proposed closure Virgo Fidelis Convent Senior School.

3. Background

- 3.1 Virgo Fidelis Convent Senior School, is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood in the London Borough of Croydon. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Croydon. The school is situated at 147 Central Hill, Upper Norwood, London, SE19 1RT.
- 3.2 The Interim Executive Board [IEB], in consultation with Croydon Council and the Archdiocese of Southwark have agreed to commence the statutory process for proposed closure of the school in August 2021 following completion of Year 11 GCSE examinations.
- 3.3 The IEB of Virgo Fidelis Convent Senior School has applied to the Office of the Schools Adjudicator (OSA) for a variation to the school's admission arrangements for September 2020. The proposed variation of the school's

Published Admission Number (PAN) for Year 7 has been approved by the OSA and as such, been reduced from 120 places to zero for September 2020.

4. Decision making

- 4.1 The Leader of the Council has delegated authority to the Interim Executive Director - Children, Families & Education, in consultation with the Cabinet Member for Children, Young People & Learning to consider the outcomes of the consultation on the proposed closure of Virgo Fidelis Convent Senior and decide whether to proceed to the next stage of the process - representation period.
- 4.2 Subject to approval, this consultation will be followed by the publication of the statutory notice, starting a 4 week representation period when any person can send objections or comments to Croydon Council on the proposal.
- 4.3 The council's cabinet committee is the final decision maker for the proposed closure of Virgo Fidelis Convent Senior and must make a decision within a period of two months of the end of the representation period.

5. Consultation

- 5.1 The process for decision making regarding proposed school closures is set out in the Department for Education's statutory guidance 'Opening and Closing Maintained Schools' November 2019. The statutory process consists of:
- Pre-publication consultation
 - Publication of statutory notice
 - Representation / formal consultation
 - Decision by the council's cabinet committee on the school closure proposal

6. Pre- publication consultation

- 6.1 The pre-publication consultation ran from 01 October 2020 to 23 October 2020, during this time anyone with an interest was invited to respond to the proposal to close Virgo Fidelis School.

7. Communication and consultation activities

- 7.1 A consultation document including a questionnaire was used as a basis of informing stakeholders, including parents/carers and local residents about the educational rationale for the proposed closure of the school and inviting feedback on the proposal.
- 7.2 Stakeholders were given the opportunity to express their views in writing via a questionnaire, both electronically and via the hard copy attached to the consultation document, by email and post.
- 7.3 Different modes and methods of communication were used to inform and facilitate feedback from stakeholders about/on the proposal. Communication activities included the circulation of the consultation document, including a questionnaire via;

- The following websites:
 - ✓ News.croydon.gov.uk
 - ✓ Virgo Fidelis Convent Senior
 - ✓ <https://getinvolved.croydon.gov.uk>
- E-bulletin
 - ✓ Your Croydon weekly
 - ✓ Schools' Bulletin
- Social Media/Applications:
 - ✓ Twitter
 - ✓ Facebook
- Email to MPs, Ward Councillors and neighbouring boroughs.

8. Equality and diversity monitoring

- 8.1 As part of the consultation process, respondents were asked to complete an equality and diversity questionnaire, looking at gender, age, ethnicity and disability. The information collected will help identify any special requirements and promote equality and diversity.

Equalities Impact Assessment

- 8.2 An initial Equalities Impact Assessment (EQIA) was undertaken as part of the pre-publication consultation process which found no negative impact on protected groups, although there is acknowledgement that should the school close, this will reduce the number of Catholic/single sex school in the borough. Another EQIA will be undertaken as part of the Education Estates Strategy report which will be going to cabinet in January 2021. The Equality analysis will enable the council to better understand the potential impact of the proposed closure of the school on the community.

9. Summary of responses

- 9.1 A total of 60 responses were received during the pre-publication consultation period;
- 9.2 57 (95%) of the 60 responses were received via the online survey and 3 (5%) were received via email;
- 9.3 Of the 57 online respondents;
- 32 do not support the proposed change.
 - 12 do support the proposed change
 - 12 were not sure
 - 1 was not affected/did not wish to answer the questions
- 9.4 Top thematic issues raised and Council's/Diocese response

Key issue	Council / Diocese response
11 respondents stated they are	We recognise that changing schools can be viewed as possibly disruptive. To minimise any potential

<p>concerned about the potential disruption the proposed closure may have on students' education.</p>	<p>disruption, subject to approval, the proposed closure will take place at the end of the academic year – 31 August 2021. This will mean that Year 11 students would have completed their GCSE examinations and other year groups can start the academic year at a new school.</p> <p>We have worked in partnership with the school's leadership team, Diocese and other schools to ensure that all displaced pupils have been / will be offered an alternative suitable school place.</p> <p>The council has a duty of care to ensure children in its schools are able to receive a high quality education with access to a full curriculum, and that the school's health and safety arrangements are adequate for students and staff.</p>
<p>9 respondents expressed concern surrounding the loss of Catholic Secondary School places in Croydon.</p>	<p>In deciding on a proposal to close a school that has been designated with a religious character, the council is required to consider the effect that this will have on the balance of denominational provision in the area, as well as the number of pupils currently on the roll, the medium and long term need for places in the area, and whether standards at the school have been persistently low.</p> <p>The council will continue to work closely with the Diocese regarding Catholic secondary schools within the borough. However, it should be noted that in line with the free school presumption, where the council identifies the need for a new school to meet basic need for additional school places, the council is under a duty to seek proposals to establish an academy (free school) via the 'free school presumption'. To support this the Department for Education will contact the council when a new free school is proposed through the central route. These measures will ensure a co-ordinated response to the need for additional places as well as quality and diversity of provision.</p>
<p>8 respondents are concerned that the proposed closure with impact the number of single sex secondary school places in Croydon.</p>	<p>It is acknowledged that the proposed closure of the school will impact on the number of single sex school places, particularly those parents/carers who have specifically chosen single-sex education for their child/ren. Should Virgo Fidelis close, there will be 2 single sex girls schools left in Croydon; Coloma Convent Girls' and Norbury Manor Business and Enterprise College</p>

	<p>A key part of the council's duty is to secure high quality and diversity of education offer to increase opportunities for parental choice when planning the provision of school places in the borough. However, it is important to note that there has been a declining roll at this school which has contributed to a significant financial deficit.</p> <p>In relation to equality and diversity, consideration must be given by the council as to whether there are any discrimination issues that arise from the proposed closure of the school. The initial equality impact assessment indicates that the proposed closure will have no negative impact on equality and diversity for protected groups.</p>
<p>7 respondents highlighted the history attached to the school and its building and wish for this to be protected.</p>	<p>The buildings will remain with the Trustees of Our Lady of Fidelity Established at Upper Norwood, London, who will look to maintain the historic buildings where possible.</p>
<p>5 respondents stated that Virgo Fidelis used to be a good school.</p>	<p>Although it is recognised that Virgo Fidelis was once able to offer good quality education and the current Executive Head Teacher and staff members are working to ensure that the existing pupils receive as good an education as possible while they remain on roll at the school, over the past several years, the number of pupils on roll has consistently fallen. Over many years, the school budget has been in deficit with the school now in significant debt. The majority of the estate required to run a viable secondary school is unfit for purpose and in poor repair with some portions having to be closed off in the interests of health and safety.</p> <p>Together, these factors have increasingly hampered the school's ability to deliver a broad and balanced curriculum that would be reasonable to expect of a modern secondary school.</p>

9.5 Of 12 respondents who support the proposal; only 2 gave their reasons why they support the proposed closure. The two respondents raised the following points;

- The number of students at the school has been falling for years.

- The school and its budget have been poorly managed.
- The building is in dire need of investment.
- The small number of students and staff at Virgo Fidelis has resulted in a decline in the standard of education offered by the school.

9.6 3 (5%) of the 60 responses were received via email.

- One email was received from a former student who expressed '*it has been with great sadness over recent years to see the school where I had been so happy change so totally*'. The respondent's main concern '*is the beautiful Victorian building which is of Gothic Style and Unique*' and wanted to raise awareness that '*the Church, The Convent and The School are Locally Listed and The School is in a Conservation Area which is surrounding The Convent*'.
- One respondent wrote '*Virgo Fidelis was and is an excellent Catholic school. I truly hope that the borough is not seeking to start up a non Christian school so as to keep Labour in the Borough*'.
- The council also received an email on behalf of a local football club regarding the future use of the school's playing fields and facilities. This query has received a direct response from Sister Bernadette of the Charitable Trust: Our Lady of Fidelity Established at Upper Norwood, London.

10. Next Steps

- 10.1 The Interim Executive Director, Children, Families & Education and Cabinet Member for Children, Young People & Learning will consider the outcome from the pre-publication consultation. Together, they will decide whether to proceed to the next stage of the process - publication of a statutory notice, starting the formal consultation (representation) period on the proposed closure of Virgo Fidelis Convent Senior School.
- 10.2 Subject to approval, the publication of statutory notice will kick start the four week formal consultation (representation) process on 12 November 2020 and end on 10 Dec 2020.
- 10.2 The council's cabinet committee is the final decision maker on the proposed closure of Virgo Fidelis Convent Senior School and must make a decision within a period of two months of the end of the representation period.
- 10.3 A summary of the responses can be found below in Annex A.

END

Annex A**Summary of responses**

A total number of 60 responses received during the pre-publication consultation period of which 57 responded via the online questionnaire on Get Involved and 3 responded in writing via email.

Please tell us whether you support/do not support the proposed closure of Virgo Fidelis Convent Senior School.

Response	Number	%
I do not support the proposed closure of Virgo Fidelis.	32	56
I do support the proposed closure of Virgo Fidelis	12	21
Not sure	12	21
I am not affected by/do not want to answer	1	2

Please tell us who you are.

Please tick all that apply*

*64 responses received from 57 respondents

Response	Number	%
Member of staff at Virgo Fidelis school	1	1
Member of staff at another school	2	3
School Governor at Virgo Fidelis school	0	0
School Governor at another school	2	3
Parent/carer of a child/children at Virgo Fidelis School	5	8
Parent/carer of child/children at another school	4	6
Pupil at Virgo Fidelis School	1	1
Local resident	13	20
Prefer not to say	5	8
Other (Please specify)	6	11
Did not respond	25	39

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Proposed Closure of Virgo Fidelis Convent Senior School from August 2021

Notice is given in accordance with the Department for Education's statutory guidance 'Opening and Closing Maintained Schools' (November 2019) that Virgo Fidelis Convent Senior School's Interim Executive Board (IEB), in consultation with Croydon Council and the Archdiocese of Southwark are proposing to close Virgo Fidelis Convent Senior School from August 2021.

Virgo Fidelis Convent Senior School is situated at 147 Central Hill, Upper Norwood, London, SE19 1RT.

The majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use); the pupil roll has fallen consistently over the past several years; and the school budget has been in deficit over the past several years with the school now in significant debt. As a consequence of the above, as well as other factors, the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum.

This notice is an extract from the complete proposal which can be viewed at www.croydon.gov.uk/getinvolved. Copies of the full proposal can also be obtained from Croydon Council at: School Place Planning Team, 2nd Floor Zone D, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA. Or via Email: school.org@croydon.gov.uk

Within four weeks of the date of publication of this statutory notice, any person may object to or make comments on the proposal by sending them to the School Place Planning Team, 2nd Floor Zone D, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA or Email: school.org@croydon.gov.uk

Due to COVID-19, the majority of staff are currently working from home and therefore we encourage responses to be submitted electronically either via the online questionnaire or by email where possible.

Publication date: 12 November 2020.

Responses must be received by Thursday 10 December 2020 at 5pm (4 weeks from publication date).

Signed:

Interim Director of Education
Croydon Council

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Representation - formal consultation - on the proposed closure of Virgo Fidelis Convent Senior School

Representation period: 12 November to 10 December 2020

Consultation document

Background

Virgo Fidelis Convent Senior School, is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood in the London Borough of Croydon. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Croydon. The school is situated at 147 Central Hill, Upper Norwood, London, SE19 1RT.

Croydon Council, in consultation with Virgo Fidelis Convent Senior School Interim Executive Board (IEB) and the Archdiocese of Southwark, led a pre-publication consultation from 01 October to 23 October 2020, allowing stakeholders to comment on the proposed closure of Virgo Fidelis School from 31 August 2021. Analysis of the 60 responses received during the pre-publication consultation period formed the basis of the outcomes report. The pre-publication outcomes report was presented to the Interim Executive Director of Children, Families & Education and the Cabinet Member for Children, Young People & Learning for a decision/approval to progress to the next step of consultation known as the representation period.

The representation period is the opportunity for people to comment on or object to the council about the proposal within four weeks of the publication date. This consultation will run from 12 November to 10 December 2020, after which, the responses will be analysed and used to construct the formal consultation outcomes report. This report will be submitted to the council's cabinet in January 2021 for a final decision on the proposal to close Virgo Fidelis School from August 2021.

The Proposal

The IEB, in consultation with Croydon Council and the Archdiocese of Southwark have agreed to commence the statutory process for the proposed closure of Virgo Fidelis Convent Senior School from August 2021 following completion of Year 11 GCSE examinations.

Reason for the proposed closure

The IEB, Croydon Council and Archdiocese of Southwark share the collective view that the school is no longer viable. There are several reasons contributing to this shared view, chiefly:

- the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use due to health and safety concerns)

- the pupil roll has fallen consistently over the past several years
- the school budget has been in deficit over the past several years with the school now in significant debt.

As a consequence of the above, as well as other factors, the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum that it would be reasonable to expect of a modern secondary school now and in the immediate and longer term future.

The IEB applied to the Office of the Schools Adjudicator (OSA) for a variation to the school's admission arrangements for September 2020. The proposed variation of the school's Published Admission Number (PAN) for Year 7 was approved by the OSA and as such, been reduced from 120 places to zero for September 2020.

Statutory requirement

The process for decision making regarding school closures is set out in the Department for Education's (DfE) statutory guidance 'Opening and Closing Maintained Schools' November 2019. The statutory process consists of:

- Pre-publication consultation
- Publication of statutory notice
- Representation / formal consultation
- Decision by the council's cabinet on the school closure proposal

Pre-publication consultation

Thursday 01 October 2020 marked the beginning of the pre-publication consultation which ran until 23 October 2020. Stakeholders were invited to share their views on the proposal to close Virgo Fidelis from August 2021. .

A total of 60 responses were received during the pre-publication consultation period;

- 57 (95%) of the 60 responses were received via the online survey and 3 (5%) were received via email;
- Of the 57 online respondents;
 - 32 do not support the proposed change.
 - 12 do support the proposed change
 - 12 were not sure
 - 1 was not affected/did not wish to answer the questions
- The 3 email respondents did not specifically state whether or not they support or do not support the proposed closure.

The top thematic issues raised by respondents are:

- potential disruption the proposed closure may have on students' education.
- loss of Catholic secondary school places in Croydon
- impact on the number of single sex secondary school places in Croydon
- history attached to the school and its building and wish for this to be protected.
- used to be a good school

The pre-publication consultation outcomes report (www.croydon.gov.uk/getinvolved) contains the Diocese and council's response to the above issues.

The pre-publication consultation outcomes report was presented to the Interim Executive Director of Children, Families & Education and the Cabinet Member for Children, Young People & Learning for consideration. It was agreed to proceed to the next stage of the statutory process - known as publication of statutory notice and representation / formal consultation period. Please note that no decisions have been made at this point as the DfE's guidance stipulates that any persons can send objections or comments to the LA within four weeks of the publication date.

Potential impact of the closure

Years 7 and 10 pupils

The Office of the Schools Adjudicator approved the suspension of entry to Year 7 for September 2020. Year 7 pupils who accepted a place at Virgo Fidelis have been offered an alternative school place at Notre Dame High School, an all-girls' Roman Catholic comprehensive school situated in Elephant and Castle; or another school of choice. Year 10 students will be taught on the site of St Mary's Catholic Secondary School. Subject to approval of the proposed closure of Virgo Fidelis, the governors of St Mary's Catholic Secondary School have agreed to retain the Year 10 pupils as they move into the final year of their education in a COVID-secure and single-sex location away from the rest of the school. The pupils who remain will be enrolled at St Mary's for Year 11.

Current Pupils

Years 8 and 9 will be offered alternative places at other schools, subject to approval for the proposed closure of the school. Year 11 pupils will have completed their GCSE examinations in July 2021, and the proposed closing date of the school is August 2021.

Staff

The Local Authority and Diocese will work collaboratively to seek to redeploy all staff, or as many as possible, into alternative employment in other schools locally.

Community

Local residents will have the opportunity to express their views during this consultation and the representation period.

School Places

School roll projections indicate sufficiency of secondary school places across the Borough for the next 3 years, however this will be reviewed / monitored if the proposed closure of Virgo Fidelis is approved. The expansion of Free Schools in the Borough has created a surplus of places and choice for parents.

Balance of denominational provision

With regards to diversity of education provision and parental preference, the proposed closure will reduce the number of Roman Catholic school places available in the Borough if an alternative plan has not been agreed by the Diocese, although the London Borough of Croydon has more Catholic secondary schools than any other borough intersecting with the Diocese.

Who we are consulting

We are formally consulting with the school, parents/carers, governors and local community on the proposed closure of the school. In addition, we would welcome the views of:

- all schools / admission authorities in Croydon – governing bodies / academy trusts
- neighbouring Admission Authorities;
- Ward members;
- The Anglican Diocese of Southwark (C of E);
- The Archdiocese of Southwark (Catholic);
- Students;
- Anyone else who has an interest or may be affected by the proposed closure of the school.

Formal consultation (representation) period

This consultation will run from **12 November to 10 December 2020**. During this time you are invited to respond to Croydon Council on the IEB's proposal to close Virgo Fidelis Convent Senior School from August 2021.

Consultation Timetable

Date	Action
12 November 2020	Publication of statutory notice
12 November 2020	Start of representation period
10 December 2020	End of representation period
18 January 2021	council's cabinet decision on whether to close the school
31 August 2021	Proposed school closure, if approved

How to give your views

Should you require this document in any other format or language, please contact the council using the details below.

This consultation period allows anyone with an interest to comment or raise any concerns about the proposal to close Virgo Fidelis Convent Senior School from August 2021 by:

- Completing the online questionnaire at www.croydon.gov.uk/getinvolved or a paper copy of the questionnaire (Annex A below) and returning it by post or email to the address below.
- Writing to:

Croydon Council
School Place Planning Team
2nd Floor Zone D
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

- Email: school.org@croydon.gov.uk

Due to COVID-19, the majority of staff are currently working from home and therefore we encourage responses to be submitted electronically either via the online questionnaire or by email where possible.

What happens next?

After the closing date of 10 December 2020, responses will be analysed and a formal consultation outcomes report will be written. The council's cabinet is the final decision maker on the proposed closure of the school. The outcomes report will be submitted on the 18 January 2021 as part of the Education Estates Strategy report.

The results of the consultation will be published on the council's website.

Annex A below – Questionnaire

Annex A - Questionnaire

Proposed closure of Virgo Fidelis Convent Senior School

1) Please tell us whether you support/do not support the proposed closure of Virgo Fidelis Convent Senior School.

I support the proposed school closure

I do not support the proposed school closure

Not sure

2) If you do not support the proposed change, please tell us why.

3) We are keen to understand how the proposed school closure may affect you. Please use this space to tell us if you are impacted by the proposed school closure and how.

4) What can we do to address any impacts you have mentioned?

About You

We are endeavouring to receive comments from a broad range of people reflective of our community. In order to enable us to assess the degree to which this has been successful, it would be helpful if you could take a moment to complete the section below.

The Council will take all reasonable measures to ensure that any data provided will be protected against loss and misuse. Your information will not be retained or shared with any other parties and will be destroyed in line with relevant destruction policies and processes.

6) Please tell us who you are.

- Member of staff at Virgo Fidelis
- Member of staff at another school
- Governor at Virgo Fidelis
- School Governor at another school
- Parent/Carer of a child/children at Virgo Fidelis School
- Parent/Carer of child/children at another school
- Pupil at Virgo Fidelis School
- Ex-pupil of Virgo Fidelis School
- Local resident
- Member of a local church
- Prefer not to say

Other (Please specify) _____

7) Gender:

- Male
- Female
- Transgender
- Non-binary
- Prefer to self-describe
- Prefer not to say

8) Age:

- Under 16
- 16-18
- 19-25
- 26-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to say

9) Which of the following best describes your ethnic background?

- White British
- White Irish
- White European
- Other white
- Mixed white and black Caribbean
- Mixed white and black African

- Mixed white and Asian
- Other mixed background
- Asian or Asian British: Indian
- Asian or Asian British: Pakistani
- Asian or Asian British: Bangladeshi
- Asian or Asian British: Chinese
- Other Asian or Asian British Background
- Black or Black British: Caribbean
- Black or Black British: African
- Other Black or Black British background
- Arabic
- Prefer not to say

Other Please specify _____

10) Do you consider yourself to have a disability?

- No
- Yes
- Prefer not to say

11) Please specify

- Mobility
- Visual impairment
- Hearing impairment
- Mental Health
- Learning disability
- Prefer not to say

Other (Please specify) _____



Formal consultation on the proposed closure of Virgo Fidelis Convent Senior School

Representation (formal consultation) Outcomes Report

1 Proposal

1.1 The proposal is to close Virgo Fidelis Convent Senior School from August 2021 following completion of Year 11 GCSE examinations. The reason for the proposed closure is because the school is no longer viable. There are several reasons contributing to this shared view, chiefly:

- the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and is in poor repair (these portions of the estate are currently out of use due to health and safety concerns)
- the pupil roll has fallen consistently over the past several years
- the school budget has been in deficit over the past several years with the school now in significant debt.

2. Representation Consultation outcomes report

- 2.1 The purpose of this report is to provide the council's cabinet, Virgo Fidelis Interim Executive Board (IEB), Archdiocese of Southwark and respondents to the consultation with the results of the consultation. The council cabinet is the decision maker on the proposed closure of the school and the report will be submitted to cabinet for a decision on 18 January 2021.
- 2.2 This report is based on the responses received during the representation period when those with an interest were provided with an opportunity to comment or object to the proposed closure of the school. The representation period lasted four weeks from 12 November to 10 December 2020.

3. Background

- 3.1 Virgo Fidelis Convent Senior School is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood in the London Borough of Croydon. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Croydon. The school is situated at 147 Central Hill, Upper Norwood, London, SE19 1RT.
- 3.2 The Office of the Schools Adjudicator approved the suspension of entry to Year 7 for September 2020. Year 7 pupils who accepted a place at Virgo Fidelis have been offered an alternative school place at Notre Dame High School, an all-girls' Roman Catholic comprehensive school situated in

Elephant and Castle; or another school of choice. Year 10 students are being taught on the site of St Mary's Catholic High School. Subject to approval of the proposed closure of Virgo Fidelis, the governors of St Mary's Catholic High School have agreed to retain the Year 10 pupils as they move into the final year of their education in a COVID-secure and single-sex location away from the rest of the school. The pupils who remain will be enrolled at St Mary's for Year 11.

- 3.3 The current pupils - Years 8 and 9 - will be offered alternative places at other schools, subject to approval of the proposed closure of the school. Year 11 pupils will have completed their GCSE examinations in July 2021, and the proposed closing date of the school is August 2021.

4. Statutory requirement

- 4.1 The process for decision making regarding school closures is set out in the Department for Education's (DfE) statutory guidance 'Opening and Closing Maintained Schools' November 2019. The statutory process consists of:
- Pre-publication consultation
 - Publication of statutory notice
 - Representation / formal consultation
 - Decision by the council's cabinet on the school closure proposal

5. Pre-publication consultation

- 5.1 From 01 October to 23 October 2020, stakeholders were invited to share their views on the proposal to close Virgo Fidelis from August 2021.

- 5.2 A total of 60 responses were received during the pre-publication consultation period;

- 57 (95%) of the 60 responses were received via the online survey and 3 (5%) were received via email;
- Of the 57 online respondents;
 - 32 do not support the proposed change.
 - 12 do support the proposed change
 - 12 were not sure
 - 1 was not affected/did not wish to answer the questions
- The 3 email respondents did not specifically state whether or not they support or do not support the proposed closure.

- 5.3 The pre-publication consultation outcomes report (www.croydon.gov.uk/getinvolved) contains the Diocese and council's response to the issues raised.

- 5.4 The Leader of the Council delegated authority to the Interim Executive Director - Children, Families & Education, in consultation with the Cabinet Member for Children, Young People & Learning to consider the outcomes of the pre-publication consultation on the proposed closure of Virgo Fidelis

Convent Senior and decide whether to proceed to the next stage of the process – publication of statutory notice and representation period.

- 5.5 Approval was given to proceed to the publication of the statutory notice, starting a 4 week representation period when any person could send objections or comments to Croydon Council on the proposed closure of the school.

6. Publication of statutory notice

- 6.1 A notice was published in the Croydon Guardian newspaper and on the Council and school's website. A copy of the notice was also displayed on the school's gates.

7. Representation period

- 7.1 The representation period lasted four weeks from 12 November to 10 December 2020 which allowed any person to send objections or comments to the LA within 4 weeks from the date of publication of the proposal.

8. Decision making

- 8.1 The council's cabinet is the final decision maker on the proposed closure of Virgo Fidelis Convent Senior School and must make a decision within a period of two months of the end of the representation period, otherwise the proposal must be referred to the Schools Adjudicator for a decision.
- 8.2 The representation outcomes report will be submitted to the council's cabinet on 18 January 2021.

9. Communication and consultation activities

- 9.1 A consultation document including a questionnaire was used as a basis of informing stakeholders, including parents/carers and local residents about the educational rationale for the proposed closure of the school and inviting feedback on the proposal.
- 9.2 Stakeholders were given the opportunity to express their views in writing via a questionnaire, both electronically and via the hard copy attached to the consultation document which could be submitted by email or post.
- 9.3 Different modes and methods of communication were used to inform and facilitate feedback from stakeholders about/on the proposal. Communication activities included notice in the Croydon Guardian newspaper and the circulation of the consultation document, including a questionnaire via;
- The following websites:
 - ✓ Croydon Council
 - ✓ Virgo Fidelis Convent Senior School
 - ✓ 'Get Involved'
 - Schools Bulletin:
 - ✓ Bulletin sent to all schools in Croydon
 - Social Media/Applications:
 - ✓ Twitter

- ✓ Facebook
- ✓ 'Your Croydon'
- ✓ Press release

10. Equality and Diversity Monitoring

- 10.1 An initial Equalities Impact Assessment (EQIA) was undertaken as part of the pre-publication consultation process which found no negative impact on protected groups, although there is acknowledgement that should the school close, this will reduce the number of Catholic/single sex schools in the borough.
- 10.2 As part of the consultation process, respondents were asked to complete an equality and diversity questionnaire, looking at Gender, Age, Ethnicity and Disability. The information collected will help identify any special requirements and promote equality and diversity.

11. Representation period - summary of responses

- 11.1 A total of 34 responses have been received during the representation period of which 32 were received via the Get Involved website and 2 were received via email.
- 11.2 Of the 34 responses received;
- 22 do not support the proposed closure of the school,
 - 8 do support the proposed closure of the school, of which
 - 4 were not sure
- 11.3 The top thematic issues raised by respondents and council's/Diocese response are outlined in the table below:

Key issue	Council / Diocese response
10 respondents expressed concern surrounding the loss of Catholic secondary school places in the area.	<p>As part of the proposal to close a school that has been designated with a religious character, the council is required to consider the effect that this will have on the balance of denominational provision in the area. The council must also consider the number of pupils currently on roll at the school, the medium and long term need for places in the area and whether educational standards at the school have been persistently low.</p> <p>Currently there are sufficient school places across the borough to accommodate pupils on roll at Virgo Fidelis.</p> <p>The council will continue to work closely with the Archdiocese of Southwark regarding Catholic secondary school places within the borough.</p>
9 respondents said that the proposed closure will reduce the number of	When planning the provision of school places in the borough, a key part of the council's duty is to provide diversity in its educational offers to increase

<p>single sex secondary school places for girls in the area.</p>	<p>opportunities for parental choice. Whilst bearing this in mind, it is important to note that there has been a declining roll at the school which has contributed to a significant financial deficit as the majority of funding received by schools is determined by the number of children on roll.</p> <p>In relation to equality and diversity, consideration must be given by the council as to whether there are any discrimination issues that arise from the proposed closure of the school. The initial equality impact assessment indicates that the proposed closure will have no negative impact on equality and diversity.</p>
<p>5 respondents stated they are concerned about the potential disruption the proposed closure may have on students' education.</p>	<p>It is recognised that changing schools could be viewed as disruptive for pupils who attend Virgo Fidelis. To minimise any potential disruption, subject to approval, the proposed closure will take place at the end of the academic year – 31st August 2021. This will mean that Year 10 pupils can continue their learning at St Mary's Catholic High School; Year 11 students would have completed their GCSE examinations and pupils in Years 8 and 9 at the school can start the academic year at a new school.</p> <p>We have worked and will continue to work in partnership with the school's leadership team, the Diocese and other schools to ensure that all displaced pupils have been / will be offered an alternative suitable school place.</p> <p>The council has a duty of care to ensure children in its schools are able to receive a high quality education with access to a full curriculum, and that the school's health and safety arrangements are adequate for students and staff.</p>
<p>4 respondents highlighted the history attached to the school and its grounds.</p>	<p>The school's buildings will remain with the Trustees of Our Lady of Fidelity Established at Upper Norwood, London, who will look to maintain the historic buildings where possible.</p>
<p>3 respondents worry that the land will be sold and used for flats.</p>	<p>The land will not be sold for flats it will be retained as an Educational Facility and this will be ensured by the Congregation of Our Lady of Fidelity.</p>

11.4 Points made in support of the proposed closure of Virgo Fidelis

- The number of children attending the school has consistently fallen over the years, resulting in low numbers.

- It is felt that the current students are not receiving a good quality of education.
- The school has a huge deficit, as does Croydon Council.
- There are other schools in Croydon and Lambeth that offer denominational places, including single-sex schools.

12. Next Steps

- 12.1 On 18 January 2021, the council's cabinet will consider the consultation results and decide on the proposed closure of the school. In making a decision, the cabinet should be satisfied that there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term. The cabinet should take into account the overall quality of alternative places in the local area and the popularity of other local schools.

Annex A

Summary of responses

A total number of 34 responses were received; 32 via the Get Involved website and 2 via email.

Please tell us whether you support/do not support the proposed closure of Virgo Fidelis Convent Senior School.

Response	Number	%
I do not support the proposed closure of Virgo Fidelis	22	65
I support the proposed closure of Virgo Fidelis	8	24
Not sure	4	11
I am not affected by/do not want to answer	0	0

Please tell us who you are.

Please tick all that apply*

*36 responses were received from 34 respondents

Response	Number	%
Member of staff at Virgo Fidelis school	0	0
Member of staff at another school	1	3
School Governor at Virgo Fidelis school	0	0
School Governor at another school	2	6
Parent/carer of a child/children at Virgo Fidelis school	4	11
Parent/carer of child/children at another school	6	16
Pupil at Virgo Fidelis school	1	3
Ex-pupil of Virgo Fidelis school	1	3
Local resident	13	36
Member of a local church	6	16
Prefer not to say	1	3
Other	1	3

Equality Data

Gender

Response	Number	Percentage
Male	6	18
Female	14	41
Transgender	0	0
Prefer to self-describe	0	0
Non-binary	1	3
Prefer not to say	3	9
No response given	10	29
Total	34	100

Age Range

Response	Number	Percentage
Under 16	1	3
16 - 18	0	0
19 - 25	1	3
26 - 34	5	15
35 - 44	7	20
45 - 54	3	9
55 - 64	2	6
65+	3	9
Do not wish to declare	2	6
No response given	10	29
Total	34	100

Ethnicity

Response	Number	Percentage
White British	6	18
White Irish	0	0
White European	0	0
Any other white background	2	6
Mixed white and black Caribbean	0	0
Mixed white and black African	0	0
Mixed white and Asian	0	0
Any other mixed background	1	3
Asian or Asian British: Indian	0	0
Asian or Asian British: Pakistani	0	0
Asian or Asian British: Bangladeshi	0	0
Asian or Asian British: Chinese	0	0
Other Asian or Asian British Background	0	0
Black or Black British: Caribbean	3	9
Black or Black British: African	3	9
Other Black or Black British background	1	3
Arabic	0	0
Prefer not to say	7	20
Other	0	0
No response given	11	32
Total	34	100

Do you consider yourself to have a disability?

Response	Number	Percentage
No	15	44
Yes	1	3
Prefer not to say	7	21
No response given	11	32
Total	34	100

If yes, please tick all that apply

Response	Number	Percentage
Mobility	1	100
Visual impairment	0	0
Hearing impairment	0	0
Mental Health	0	0
Learning Disability	0	0
Communication difficulty	0	0
Other	0	0
Prefer not to say	0	0
No response given	0	0
Total	1	100

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Equality Analysis Form

1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	Education
Title of proposed change	Proposed closure of Virgo Fidelis Convent Senior School
Name of Officer carrying out Equality Analysis	Denise Bushay

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

Briefly summarise the proposed change and why it is being considered/anticipated outcomes. What is meant to achieve and how is it seeking to achieve this? Please also state if it is an amendment to an existing arrangement or a new proposal.

Virgo Fidelis Convent Senior School Interim Executive Governing Board, in consultation with Croydon Council and the Archdiocese of Southwark have agreed to commence the statutory process for proposed closure of the school in August 2021.

The IEB, Croydon Council and Archdiocese of Southwark share the collective view that the school is no longer viable. There are several reasons contributing to this shared view, chiefly:

- the majority of the buildings estate needed for a viable 11-16 secondary school is unfit for purpose and in poor repair (these portions of the estate are currently out of use)
- the pupil roll has fallen consistently over the past several years
- the school budget has been in deficit over the past several years with the school now in significant debt.

As a consequence of the above, as well as other factors, the school is increasingly hampered in its capacity to deliver a broad and balanced curriculum that it would be reasonable to expect of a modern secondary school now and in the immediate and longer term future.

Years 7 and 10 pupils

The Office of the Schools Adjudicator approved the suspension of entry to Year 7 for September 2020. Year 7 pupils who accepted a place at Virgo Fidelis have been offered an alternative school place at Notre Dame High School, an all-girls' Roman Catholic comprehensive school situated in Elephant and Castle; or another school of choice. Year 10 students will be taught on the site of St Mary's Catholic Secondary School. Subject to approval of the proposed closure of Virgo Fidelis, the governors of St Mary's Catholic Secondary School have agreed to retain the Year 10 pupils as they move into the final year of their education in a COVID-secure and single-sex location away from the rest of the school. The pupils who remain will be enrolled at St Mary's for Year 11.

Current Pupils

Years 8 and 9 will be offered alternative places at other schools, subject to approval for the proposed closure of the school. Year 11 pupils will have completed their GCSE examinations in July 2021, and the proposed closing date of the school is August 2021.

Statutory process

The process for decision making regarding school closures is set out in the Department for Education's (DfE) statutory guidance 'Opening and Closing Maintained Schools' November 2019. The statutory process consists of:

- Pre-publication consultation
- Publication of statutory notice
- Representation / formal consultation
- Decision by the council's cabinet on the school closure proposal

Pre-publication consultation will take place from 01 October until 23 October 2020. Subject to approval, the statutory notice will be published on 12 November which will start the four week representation period (formal consultation) which will end on 10 December 2020.

A statutory notice was published on 12 November 2020, which started the representation - formal consultation period. The formal consultation period lasted four weeks from 12 November to 10 December 2020 which allowed any person to send objections or comments to the council.

The pre-publication and formal consultation outcomes reports are attached to the main report – Proposed closure of Virgo Fidelis Convent Senior School.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

Table 1 – Positive/Negative impact

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.

Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	In line with the School Admissions Code, school places are allocated using the agreed/published admissions criteria. The proposed changes relate to children and young people of statutory school age. Admissions to schools are a function that operates within a statutory framework. Croydon is the admission authority for community schools and there are arrangements and criteria for the admission of pupils to nursery, primary and secondary mainstream schools.	The closure may affect siblings of pupils attending Virgo if they intended to attend the same school. School Admissions would ensure that appropriate provisions are in place for any displaced pupils. They would ensure that parental preference and family circumstances such as siblings are considered when offering school places to minimise the impact on families where possible.	Croydon Observatory
Disability	Children and young people with special educational needs and/or disability are given priority in the admissions criteria or attend	For any pupils at Virgo with a disability / Education and Health Care Plan. For these pupils, an individual and	Croydon Observatory

	special schools. All schools are required to admit a child if their Education and Health Care Plan names the school. The new special free school – AVA – in New Addington will provide additional school places.	tailored approach will be used was to help with the transition to another school. School transport support provided. An alternative place will be identified that meets their needs	
Gender	As above, children allocated school place in line with Admissions Code. The proposed changes are not gender specific. The admission arrangements do not contain criteria that impact differently on people with a particular gender	This is a single sex girls schools and there is a limited number of girl only schools in Croydon. However, as the Virgo boarders neighbouring borough - Lambeth and Southwark- there's an opportunity to apply for a school place at girl only schools in these boroughs.	Croydon Observatory
Gender Reassignment	N/A		
Marriage or Civil Partnership	N/A		
Religion or belief	The admission arrangements for voluntary aided school could contain a denominational criterion within the policy, to enable priority for children whose parents are active members of the Roman Catholic and who request admission to a church school on denominational grounds. However, all applications, including those with no faith basis for applying, are considered applying the published arrangements Surplus school places available and some pupils could attend other Catholic secondary schools in and bordering Croydon.	The admission criteria is based on determined admission arrangements compliant with the relevant legislation and is unlikely to discriminate unlawfully. A decrease in the number of faith school provision for families seeking such places. Pupils may have to travel further to school and attend a non-faith school. However pupils of secondary school age tend to travel further to school. School Admissions would ensure that appropriate provisions are in place for any displaced pupils. They would ensure that parental preference and family circumstances such as siblings are considered when offering school places to minimise the impact on families where possible.	Croydon Observatory

Race	The Admission Criteria, based on the Admissions Code, are used to allocate school places and do not include ethnicity or race as criteria. The proposed changes are not intended to have any negative impact on pupils from different ethnic groups		Croydon Observatory
Sexual Orientation	N/A		
Pregnancy or Maternity	N/A		
<p>Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.</p> <p>When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact</p>			

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:		
Additional information needed and or Consultation Findings	Information source	Date for completion
<p>Two periods of statutory consultations will be undertaken – pre-publication and representation – where those with an interest could express their views and/or object/comment on the proposal to close the school.</p> <p>A consultation document including a questionnaire will be used as a basis of informing stakeholders, including parents/carers and local residents about the educational rationale for the proposed closure of the school and inviting feedback on the proposal.</p> <p>Stakeholders will be given the opportunity to express their views in writing via a questionnaire, both electronically and via the hard copy attached to the consultation document, by email and post.</p>	<p>Pre-publication consultation outcomes report</p> <p>Representation outcomes report</p> <p>School census data</p> <p>Admissions data</p> <p>Birth data</p>	<p>October – December 2020</p> <p>November / December 2020</p>
<p>Different modes and methods of communication will be used to inform and facilitate feedback from stakeholders about/on the proposal.</p> <p>Equality and Diversity Monitoring: As part of the consultation process, respondents were asked to complete an equality and diversity questionnaire, looking at Gender, Age, Ethnicity and Disability. The information collected will help identify any special requirements and promote equality and diversity.</p> <p><u>Pre-publication consultation period</u></p> <p>A total of 60 responses have been received during the representation period. 57 responses were received via the online Get Involved survey and 3 were received via email.</p> <p>Of those who chose to complete the 'about you' questions, the majority of respondents were local residents.</p> <p>Of the 57 responses received via Get Involved;</p> <ul style="list-style-type: none"> • 32 do not support the proposed change • 12 do support the proposed change 	<p>Croydon Observatory</p>	

- 12 were not sure
- 1 was not affected/did not wish to answer the questions relating to the proposal.

About You Questions

Tell us who you are. Please tick all that apply.

Response	Number	Percentage
Member of staff at Virgo Fidelis	1	3
Member of staff at another school	2	5
School Governor at Virgo Fidelis	0	0
School Governor at another school	2	5
Parent/carer of a child/children at Virgo Fidelis	5	13
Parent/carer of child/children at another school	4	10
Pupil at Virgo Fidelis Convent Senior School	1	3
Local resident	13	33
Prefer not to say	5	13
Other (Please specify)	6	15
Total	39	100

Gender

Response	Number	Percentage
Male	7	12
Female	20	35
Transgender	0	0
Prefer to self-describe	2	4
Non-binary	0	0
Prefer not to say	4	7
No response given	24	42
Total	57	100

Age Range

Response	Number	Percentage
Under 16	1	2
16 - 18	0	0

19 - 25	1	2
26 - 34	4	7
35 - 44	7	12
45 - 54	11	19
55 - 64	5	9
65+	0	0
Do not wish to declare	4	7
No response given	24	42
Total	57	100

Ethnicity

Response	Number	Percentage
White British	10	18
White Irish	2	4
White European	0	0
Other white	1	2
Mixed white and black Caribbean	1	2
Mixed white and black African	2	3
Mixed white and Asian	0	0
Other mixed background	2	3
Asian or Asian British: Indian	3	5
Asian or Asian British: Pakistani	0	0
Asian or Asian British: Bangladeshi	0	0
Asian or Asian British: Chinese	0	0
Other Asian or Asian British Background	0	0
Black or Black British: Caribbean	3	5
Black or Black British: African	2	3
Other Black or Black British background	0	0
Arabic	0	0
Prefer not to say	5	9
Other	1	2
No response given	25	44
Total	57	100

Do you consider yourself to have a disability?

Response	Number	Percentage
No	24	42
Yes	3	5
Prefer not to say	5	9
No response given	25	44
Total	57	100

If yes, please tick all that apply*

*3 respondents provided 4 answers

Response	Number	Percentage
Mobility	2	50
Visual impairment	0	0
Hearing impairment	0	0
Mental Health	0	0
Learning Disability	1	25
Communication difficulty	1	25
Other	0	0
Prefer not to say	0	0
No response given	0	0
Total	4	100

Representation – formal consultation - period

Summary of responses

A total number of 34 responses were received; 32 via the Get Involved website and 2 via email.

Please tell us whether you support/do not support the proposed closure of Virgo Fidelis Convent Senior School.

Response	Number	%
I do not support the proposed closure of Virgo Fidelis	22	65
I support the proposed closure of Virgo Fidelis	8	24
Not sure	4	11
I am not affected by/do not want to answer	0	0

Please tell us who you are.

Please tick all that apply*

*36 responses were received from 34 respondents

Response	Number	%
Member of staff at Virgo Fidelis school	0	0
Member of staff at another school	1	3
School Governor at Virgo Fidelis school	0	0
School Governor at another school	2	6
Parent/carer of a child/children at Virgo Fidelis school	4	11
Parent/carer of child/children at another school	6	16
Pupil at Virgo Fidelis school	1	3
Ex-pupil of Virgo Fidelis school	1	3
Local resident	13	36
Member of a local church	6	16
Prefer not to say	1	3
Other	1	3

Equality Data

Gender

Response	Number	Percentage
Male	6	18
Female	14	41
Transgender	0	0
Prefer to self-describe	0	0
Non-binary	1	3
Prefer not to say	3	9
No response given	10	29
Total	34	100

Age Range

Response	Number	Percentage
Under 16	1	3
16 - 18	0	0

19 - 25	1	3
26 - 34	5	15
35 - 44	7	20
45 - 54	3	9
55 - 64	2	6
65+	3	9
Do not wish to declare	2	6
No response given	10	29
Total	34	100

Ethnicity

Response	Number	Percentage
White British	6	18
White Irish	0	0
White European	0	0
Any other white background	2	6
Mixed white and black Caribbean	0	0
Mixed white and black African	0	0
Mixed white and Asian	0	0
Any other mixed background	1	3
Asian or Asian British: Indian	0	0
Asian or Asian British: Pakistani	0	0
Asian or Asian British: Bangladeshi	0	0
Asian or Asian British: Chinese	0	0
Other Asian or Asian British Background	0	0
Black or Black British: Caribbean	3	9
Black or Black British: African	3	9
Other Black or Black British background	1	3
Arabic	0	0
Prefer not to say	7	20
Other	0	0
No response given	11	32
Total	34	100

Do you consider yourself to have a disability?

Response	Number	Percentage
No	15	44
Yes	1	3
Prefer not to say	7	21
No response given	11	32
Total	34	100

Pre-publication and Representation findings

Religious education - 19 respondents expressed concern surrounding the loss of Catholic secondary school places in Croydon. The council is required to consider the effect the proposed closure will have on the balance of denominational provision in the area and will continue to work closely with the Diocese regarding Catholic secondary schools within the borough.

Single sex education - 17 respondents stated they are concerned that the proposed closure will impact the number of single sex secondary school places in Croydon. A key part of the council's duty is to secure diversity of education offer to increase opportunities for parental choice when planning the provision of school places in the borough. However, it is important to note that there has been a declining roll at the school which has contributed to a significant financial deficit.

Although the council recognises that the proposed closure will result in a reduction in both Catholic and single sex secondary school places in Croydon, due to the falling roll at Virgo Fidelis Convent Senior School, it is felt that the proposed closure will not have a negative impact on equality and diversity for protected groups.

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Table 4 – Equality Impact Score Key

Risk Index	Risk Magnitude
- 9	High
- 5	Medium
- 3	Low

Equality Analysis

Table 3 – Impact scores

Column 1 PROTECTED GROUP	Column 2 LIKELIHOOD OF IMPACT SCORE	Column 3 SEVERITY OF IMPACT SCORE	Column 4 EQUALITY IMPACT SCORE
	Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group. Equality impact score = likelihood of impact score x severity of impact score.
Age	1	1	1
Disability	1	1	1
Gender	1	1	1
Gender reassignment	n/a		
Marriage / Civil Partnership	n/a		
Race	n/a		
Religion or belief	2	2	4
Sexual Orientation	n/a		
Pregnancy or Maternity	n/a		

Equality Analysis

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

- Advancing equality of opportunity between people who belong to protected groups
- Eliminating unlawful discrimination, harassment and victimisation
- Fostering good relations between people who belong to protected characteristic groups

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

Table 4 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability		For these pupils, an individual and tailored approach was used to help with the transition to another school. School transport support provided. An alternative place will be identified that meets their needs	Kathy Roberts	August 2021, subject to cabinet decision

Equality Analysis

Race				
Sex (gender)	<p>17 respondents stated they are concerned that the proposed closure will impact the number of single sex secondary school places in Croydon. A key part of the council's duty is to secure diversity of education offer to increase opportunities for parental choice when planning the provision of school places in the borough. However, it is important to note that there has been a declining roll at the school which has contributed to a significant financial deficit.</p> <p>Although the council recognises that the proposed closure will result in a reduction in both Catholic and single sex secondary school places in Croydon, due to the falling roll at Virgo Fidelis Convent Senior School, it is felt that the proposed closure will not have a negative impact on equality and diversity for protected groups.</p>	<p>19 respondents expressed concern surrounding the loss of Catholic secondary school places in Croydon. The council is required to consider the effect the proposed closure will have on the balance of denominational provision in the area and will continue to work closely with the Diocese regarding Catholic secondary schools within the borough.</p>		<p>August 2021, subject to cabinet decision</p>
Gender reassignment				
Sexual orientation				

Equality Analysis

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Age	The closure may affect siblings of pupils attending Virgo if they intended to attend the same school.	School Admissions would ensure that appropriate provisions are in place for any displaced pupils. They would ensure that parental preference and family circumstances such as siblings are considered when offering school places to minimise the impact on families where possible.	Niora Amani Melanie Arscott	
Religion or belief	<p>A decrease in the number of faith school provision for families seeking such places.</p> <p>Pupils may have to travel further to school and attend a non-faith school. However pupils of secondary school age tend to travel further to school.</p>	<p>School Admissions would ensure that appropriate provisions are in place for any displaced pupils. They would ensure that parental preference and family circumstances such as siblings are considered when offering school places to minimise the impact on families where possible.</p> <p>19 respondents expressed concern surrounding the loss of Catholic secondary school places in Croydon. The council is required to consider the effect the proposed closure will have on the balance of denominational provision in the area and will continue to work closely with the Diocese regarding Catholic secondary schools within the borough.</p>	Niora Amani Melanie Arscott	
Pregnancy or maternity				
Marriage/civil partnership				

6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter **X** in column 3 (**Conclusion**) alongside the relevant statement to show your conclusion.

Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision. Equality and diversity monitoring done during consultation. Statutory framework supports the allocation of school places	X .
Adjust the proposed change	We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form	
Continue the proposed change	We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.	

Equality Analysis

Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		Meeting title: Cabinet Date: 18 January 2021

7. Sign-Off

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Officers that must approve this decision	
Equalities Lead	Name: Yvonne Okiyo Position: Equalities Manager 05.01.2021
Director	Name: Shelley Davies Date: 07.01.21 Position: Interim Director of Education

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Difference between community schools and voluntary aided schools

There are some key differences between community schools and voluntary aided schools. The differences are over:

- Who employs the staff
- Who owns the land and buildings
- Who is responsible for maintenance of the school premises; and
- Who controls the admissions arrangements

Community schools, also known as Local Authority (LA) maintained schools are those that are funded and controlled by the local education authority. The LA owns the land and buildings, funds the school, employs the staff, and determines the admissions arrangements.

The LA is the responsible body for community schools.

Voluntary aided (VA) schools are often, but not always, church or faith schools. The land and buildings are usually owned by the religious organisation but the governing body runs the school, employs the staff and controls admissions.

The Diocese is the responsible body for VA schools.

Capital Funding for schools

Responsibility for work to VA school premises is shared between the school's governing body and the LA. The LA has responsibility for the playing fields and the governing body of VA schools are liable for all other capital expenditure.

Funding for capital works in VA schools is grant aided, generally up to 90%, by the Department for Education, either directly to the school or via the Diocesan Board of Education. The governing body usually contributes 10% to of the costs of capital work undertaken.

Condition funding is the money Department for Education (DfE) allocate each year to improve and maintain the condition of the school estate (buildings and grounds).

Condition funding includes School Condition Allocations and Devolved Formula Capital for:

- local authorities and local-authority-maintained schools, and
- voluntary-aided bodies.

Devolved formula capital (DFC)

This grant is capital funding calculated on a formulaic basis for each educational establishment. It gives schools direct funding for the priority capital needs of its buildings and grounds and for investment in capital equipment including ICT.

VA schools receive their DFC direct from the DfE and each school gets a fixed sum and a variable amount based on pupil numbers (pre-determined by DfE formula) with each governing body having full discretion as to the use of those funds. Recipients of grant are expected to comply with any requests from the DfE requesting spend information for the grant.

School Condition Allocation (SCA)

For VA schools, SCAs are paid directly to the local Archdiocese, as the responsible body, through a formulaic allocation. Directly-paid SCA is for responsible bodies to prioritise on condition need across their institutions. The terms and conditions issued to responsible bodies give the detail on the types of project allocations can be used for.

This funding was formerly known as Locally Coordinated Voluntary Aided Programme (LCVAP) - an independent capital funding stream held centrally by the Education and Skills Funding Agency (ESFA) but which was locally co-ordinated by LAs. This enabled governing bodies to carry out improvement schemes in voluntary aided schools and priorities determined in consultation with the diocesan authorities.

Condition Improvement Fund (CIF)

The CIF is an annual bidding round for eligible* VA schools to apply for capital funding. The priority for the fund is to address significant condition need, keeping the buildings safe and in good working order. This includes funding projects to address health and safety issues, building compliance and poor building condition.

* VA schools not part of larger VA bodies eligible for SCA.

Virgo Fidelis Convent Senior School (147 Central Hill, London SE19 1RS)

Virgo Fidelis Convent Senior School, is a Roman Catholic voluntary aided secondary school for girls aged 11–18 located in Upper Norwood at 147 Central Hill, London SE19 1RS in the London Borough of Croydon. The school is part of the educational provision of the Archdiocese of Southwark and the London Borough of Croydon.

Background

The current building was designed by William Wardell and built in phases in the gothic style to accommodate Virgo Fidelis Convent Senior School commencing at that time. The convent is part of the Sisters of Our Lady of Fidelity, an international Roman Catholic religious organisation, founded in France in 1831.

It was set up in 1848 by a French Order of nuns called the Congregation of our Lady of Fidelity. The congregation was itself established in 1831 by Sister St Mary who devoted her life to the care of orphans and underprivileged children.

The orphanage closed after the Second World War in the 1960's. However, the buildings carried on in use as a fee-paying secondary school. A voluntary Aided School was founded 1945 called Our Lady's School. It took many "difficult" students from around Croydon but was always very small number about 200 students. The Director of Education closed the school in 1981. The majority of Students went to Bishop Thomas Grant and Saint Mary's. For two years the Salvation Army used the premises while their Premises was being built at Crystal Palace.

The school became a grant maintained school in 1997 and then a Local Authority (LA) Voluntary Aided School when all state-funded provision reverted back to LA control in 1998-99. After which the senior school and the independent prep school run alongside each other until 2016 when the prep school closed.

"The New School" opened in September 2020 which provides a unique education for children 4 to 16 years old.

The school is in the trusteeship of the Congregation of our Lady of Fidelity. Though it remains in the geographical territory of the Diocese, under Canon Law (the law of the Roman Catholic Church), the Archbishop – and/or his delegates – only has the power to retain or remove its designation as a Catholic school. The land and buildings in which the school is conducted are let for the purposes of education by the Trustees.

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LONDON BOROUGH OF CROYDON

To: All Members of Council
Croydon Council website
Access Croydon & Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE AT THE CABINET MEETING ON MONDAY, 18 JANUARY 2021

This statement is produced in accordance with Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In accordance with the Scrutiny and Overview Procedure Rules the following decisions may be implemented from **1300 hours on 26 January 2021** unless referred to the Scrutiny and Overview Committee (ie after 13.00 hours on the 6th working day following the day on which the decision was taken). The call-in procedure is appended to this notice.

The following apply to each decision listed below

Reasons for these decisions: As set out in the report in the report <https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=183&MId=2171>

Other options considered and rejected: As set out in the report in the report <https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=183&MId=2171>

Details of any consultation and representations received not included in the published report: None

Details of conflicts of Interest declared by any Cabinet Member: None

The Leader of the Council has delegated to Cabinet the power to make the decisions set out below:

Agenda Item: 7 EDUCATION ESTATES STRATEGY

Key Decision No.: 0121CAB

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

RESOLVED: To

School Admission

1. agree to recommend to full Council that it determine the proposed community schools' Admission Arrangements for the 2022/23 academic year (Appendix 1);
2. approve the continued adoption of the proposed Pan London scheme for co-ordination of admissions to Reception and Junior schools as set out at Appendix 1a of the report; and adoption of the proposed Pan London scheme for co-ordination of admissions to secondary schools as set out at Appendix 1b of the report;

School Place Planning

3. approve the Capital Programme Budget summary (as set out at Appendix 2 of the report);

School Maintenance and Compliance

4. approve the proposed Schools' Maintenance Plan (as set out at Appendix 3 of the report) for 2021/22 with an overall budget cost of £2.945m;
5. Delegate authority to the Executive Director, Children, Families and Education to vary the proposed Schools' Maintenance Plan to reflect actual prices and new urgent issues that may arise, including authorising spend against the allowance for emergency and reactive works. The Executive Director, Children, Families and Education shall report back to members in respect of any exercise of such authority;

School Place Planning

Academy conversion

6. note the change of status of Woodcote Primary to an academy;

Early Years

7. note the 2020 Childcare Sufficiency Assessment report as set out at Appendix 4 of the report;

Special Educational Needs and Disability(SEND)

8. note that the SEND Estates strategies are contributing positively to the development of local provision maintaining some of our most challenging and vulnerable children and young people with SEND within their families and communities. For example, the:
 9. new special school – Addington Valley Academy - for severe and complex children with Autism Spectrum Conditions is underway and on schedule;
 10. new school build for St. Nicholas Special School was completed and the school moved in over the last academic year;

11. Croydon College Coulsdon Pathways provision for students with SEND aged 19-25 is now in its third year and has been a great success;
12. review of the SEND estate – Red Gates / St. Giles / Priory - in terms of its quality, safeguarding and feasibility as approved by Cabinet in January 2020 is underway; and

Alternative Provision / Pupil Referral Unit (PRU)

13. note information on Alternative Provision / PRU.

Agenda Item: 9 PROPOSED CLOSURE OF VIRGO FIDELIS CONVENT SENIOR SCHOOL

Key Decision No.: 0221CAB

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

RESOLVED: To

1. Consider the representations made in response to the statutory notice and consultations regarding the proposed closure of Virgo Fidelis Convent Senior School from August 2021; and
2. Approve the proposed closure of Virgo Fidelis Convent Senior School from August 2021.

Agenda Item: 10 DEDICATED SCHOOLS GRANT SCHOOLS FUNDING 2021/22 FORMULA FACTORS

Key Decision No.: 0321CAB

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

RESOLVED: To

1. Approve the funding formula for Croydon schools for the financial year 2021/22 for maintained schools, and the academic year 2021/22 for academies, in line with the recommendations of the School Forum:

- a. To agree for the phased implementation of the National Funding Formula in 2021/22 to ease the potential turbulence of moving to a hard formula at a later stage; and
- b. To agree the funding formula factors set out in Table 2 and paragraphs 3.10 to 3.31 of the report.

**Agenda Item: 11 MAKING CROYDON'S PRIVATE RENTED HOMES SAFER
AND PROTECTING RESIDENTS**

Key Decision No.: 0421CAB

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

RESOLVED: To

1. Note the new enforcement powers available to the Private Sector Housing Enforcement and Trading Standards teams including the various responsibilities, duties and commencement dates.
2. Adopt the proposed policy 'Determining the Penalty and Banding the Offence'; attached as Appendix 1. This policy covers the process to both:
 - Determine the Penalty - determine what is the most appropriate sanction to be taken against an offending landlord; and
 - Banding the Offence - where the sanction is a Financial Penalty, the level of penalty.
3. Resolve for the proposed policy 'Determining the Penalty and Banding the Offence' to supersede the existing policy "Determining the Penalty" which was approved on the 3rd May 2017 and which the Council commenced using on the 8th May 2017.
4. Adopt the proposed revised Statement of Principles attached at Appendix 3 of the report which has been produced as required under regulation 13 of The Smoke and Carbon Monoxide (England) Regulations 2015 and agree to the publication of the Statement of Principles.
5. Resolve for the proposed Statement of Principles attached at Appendix 3 of the report to supersede the existing Statement of Principles, attached as Appendix 2 of the report, which was approved on the 3rd May 2017 and which the Council commenced using on the 8th May 2017".
6. Agree to the proposed policy 'Determining the Penalty and Banding the Offence' and proposed revised Statement of Principles to commence on the 1st February 2021 in respect of powers created under the various enactments.

7. Approve the revised proposed houses in multiple occupation licensing ["HMO"] fee payment arrangement that requires the applicant to make the same total payment under the scheme if the licence is successfully granted, but in two stages, Part A on application and Part B if the License is granted, as detailed in a fee structure section 18 of the report and documented in Appendix 4 (current fees) and Appendix 5 (proposed fees) of the report.
8. Authorise the Council to include new or revised houses in multiple occupation licence conditions as detailed in section 17 of the report and documented in Appendix 6 (current conditions) and Appendix 7 (proposed conditions) of the report covering:
 - the safety of the electrical installation requirements, new condition 1.2.1;
 - the revision of conditions 1.1, 1.2.2 and 1.2.3 to give a deadline of 14 days in which a licence holder must return a declaration to the Council on request;
 - the smoke and carbon monoxide alarm requirements, new condition numbers 1.3.1 and 1.3.2;
 - the control of anti-social behaviour, reworded condition 1.5 with new sections 1.5.2 and 1.5.3;
 - the storage and disposal of household waste requirement, new condition 1.6.1, 1.6.2, and 1.6.3; and
 - the introduction of minimum room standards in paragraph 2 and through 2.3 and 2.4, a system for managing breaches of 2.1 a landlord was not aware of.
9. Agree to adopt the proposed revised fee charging mechanism for houses in multiple occupation applications attached as Appendix 5 of the report made on or after the 1st February 2021.
10. Agree to adopt the proposed revised HMO licence conditions attached as Appendix 7 for new HMO licences issued on or after the 1st February 2021.
11. Authorise officers to arrange the publication of the documentation, subject to updates to ensure that typographical matters, such as reference to draft and seeking Cabinet approval, are updated prior to publication.

Signed: Council Solicitor and Monitoring Officer

Notice date: 19 January 2021

Contact Officers: Victoria.lower@croydon.gov.uk and Cliona.may@croydon.gov.uk

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 26 January 2021** (the 6th working day following the day on which the decision was taken) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 member of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision. The Chair of the Scrutiny & Overview Committee shall also be notified.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.
8. The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision is outside of the budget and policy framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C of the Constitution) apply. The Council

may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. If the Council determines that the decision was within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
11. The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
12. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
13. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the Leader including the reasons for urgency.

Signed: Council Solicitor and Monitoring Officer

Notice Date: 19 January 2021

Contact Officers: victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Victoria Lower and Cliona May, Democratic Services & Scrutiny
e-mail to

Victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

Meeting:

Meeting Date:

Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

**Information required to assist the Scrutiny and Overview Committee to consider
the referral:**

Signed:

Date:

Member of _____ Committee

PROFORMA

REFERRAL OF A KEY DECISION TO THE SCRUTINY AND OVERVIEW COMMITTEE

For the attention of: Victoria Lower, Democratic Services & Scrutiny
e-mail to

Victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

Meeting: Cabinet Meeting

Meeting Date: 18th January 2021

Agenda Item No: 9 Proposed closure of Virgo Fidelis Convent Senior School

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) **Other:** Please specify:

- 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.

The outcome desired:

For the decision makers to give a satisfactory response to the above queries and to hear from the Roman Catholic Archdiocese of Southwark.

Information required to assist the Scrutiny and Overview Committee to consider the referral:

Signed:

Robert Ward

Councillor Robert Ward
Member of Scrutiny and Overview Committee

Date: 22nd January 2021

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