



ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER

Title	Proposal to establish Barnet Hill Academy (BHA) as a Barnet Council maintained voluntary aided school.
Report of	Executive Director, Children's & Family Services
Wards	All
Status	Public
Enclosures	<p>Appendix 1(a): Barnet Hill Academy Voluntary Aided Consultation document</p> <p>Appendix 1(b): Barnet Hill Academy Voluntary Aided Proposal</p> <p>Appendix 1(c): Barnet Hill Academy Voluntary Aided Statutory Notice</p> <p>Appendix 1(d): Letters of support (x4) and Summary of responses</p> <p>Appendix 2: List of supporting evidence submitted for the proposal</p> <p>Appendix 3: Barnet Hill Quality Mark Certificate</p> <p>Appendix 4: Governance Self-Assessment</p>
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Summary

This report sets out a proposal by the Trustees and Governors of Barnet Hill Academy, an independent faith school, the 'proposer', to move into the maintained sector through the establishment of a voluntary aided school with effect from 1 September 2022.

On 9 March 2015, the former Children, Education, Libraries and Safeguarding Committee approved a framework for considering proposals from independent faith schools seeking to move into the maintained sector, based on statutory guidance from the Department for Education (DfE) . This report sets out the evidence submitted by the proposers in relation to the framework.

Officer's Recommendations

That the proposal by Barnet Hill Academy to become a voluntary aided school, is approved subject to the following modification:

Implementation – the date on which it is proposed that the school be opened is 1 September 2023 with a planned admission number of 60 for the reception year.

And subject to the following conditions being met prior to the implementation date:

1. The proposer acquires the premises at 10a Montagu Road, Hendon, Barnet NW4 3ES on a leasehold title of a minimum term of 125 years at a peppercorn rent.
2. The proposer acquires playing fields within walking distance of the school, including by entering into a shared use agreement with another local school, such playing fields to meet the requirements of the School Premises (England) Regulations 2012
3. The proposer provides detailed plans to create a MUGA on the school site within five years from the date of the proposal, including funding plans, such plans to be agreed by the Executive Director of Children and Families prior to the implementation date.

The Local Authority has consulted with the proposer regarding the above modification and conditions and these have already been agreed between both parties.

1. WHY THIS REPORT IS NEEDED

- 1.1 Any persons ('proposer') may publish a proposal at any time for a new school outside the free school presumption and competitions process, under Section 11 of the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulation 2013. In the case of a former independent school wishing to join the maintained sector, the Local Authority (LA) is the decision-maker. It is the responsibility of the LA to ensure it acts in accordance with relevant legislation and have regard to statutory guidance when making decisions on proposals.
- 1.2 The decision must be taken within two months of the end of the representation period; it is not possible for the LA to defer the decision beyond the two-month period. The Schools Adjudicator will be the decision-maker in any case where the LA does not make a decision within a period of two months from the end of the

representation period. Where this happens, the LA must, within a week of the end of that two month period, refer the case to the Schools Adjudicator.

- 1.3** On 9 March 2015, the former Children, Education, Libraries and Safeguarding Committee approved a framework for assessing proposals from independent faith schools seeking to move into the maintained sector. The framework is based on statutory guidance published by the Department for Education (DfE) for decision-makers on opening and closing maintained schools.
- 1.4** The framework is designed to assist the council in reaching a decision on such proposals and covers the factors that decision-makers should consider when making and determining proposals, as follows:
- Demand and Need
 - Suitability
 - Proposed admission arrangements
 - National Curriculum
 - School size
 - Equal Opportunity
 - Integration and community cohesion
 - Travel and accessibility
 - Funding

About the proposal

- 1.5** Barnet Hill Academy is an independent co-educational, Islamic day school for children aged between 4 and 11 years, located at 10a Montagu Road, Hendon, London NW4 3ES. The school was originally established on 9 February 2006, under the name Ayesha Community School. It underwent a fully revised Governorship and Leadership overhaul during September 2018 and was renamed as Barnet Hill Academy commencing from this transition.
- 1.6** The current independent school is owned and run by Barnet Hill Academy Ltd, a private company limited by guarantee (company No: 11468769). The land and premises are owned by Hendon Mosque and Islamic Centre (HMIC), Brent View Road, West Hendon, London NW9 7EL.
- 1.7** The proposer has consulted on a proposal to establish Barnet Hill Academy as a new voluntary aided maintained school in order to move the current independent faith school into the maintained sector **[Appendix 1(a)]**. Following the end of the consultation period, the Council is required to reach a decision.
- 1.8** The proposal has been made under Section 11 of the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulation 2013. This permits any person, normally a diocese or charitable trust, to publish a proposal for a new school outside of the free school presumption. The secretary of state's consent is not required if the proposal is for a former independent school to join the maintained sector or a new voluntary aided school to meet demand for a specific type of place, for example demand from those of a particular faith.

- 1.9** It is intended that the proposed fully operational maintained school will provide 420 places for boys and girls aged 4 to 11 years, serving the local Muslim community. It is proposed that in the first academic year as a voluntary aided school, Barnet Hill Academy will operate with one-form of entry (30 places), in Years 1 to 6, take an additional form of entry in the Reception cohort (60 places), with each subsequent year accruing an additional form from Reception upwards, thus completing the transition to a full two-form entry school after seven years from the date of conversion.

Evidence to support the proposal

- 1.10** The proposer has submitted an application, together with supporting evidence, addressing each of the assessment criteria set out in Barnet's framework for independent schools seeking to join the maintained sector. A summary of the evidence is enclosed.
- 1.11** The application and supporting evidence has been scrutinised by lead council officers with expertise in school governance, schools accountancy, school improvement, school building and condition and admission arrangements. In addition, the LA has sought legal advice on the matter of land and premises.
- 1.12** Set out below are each of the assessment criteria, together with the evidence submitted by the proposer, that decision-makers must address as part of the assessment process.

Need for this type of school in the community

- 1.13** When considering proposals to establish new provision, the decision-maker should be satisfied that the proposer has demonstrated demand for the provision being proposed. This should include
- i) the evidence for any projected increase in demand for school places in the area;
 - ii) the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainments gaps; and
 - iii) the popularity of other schools in the area and evidence of parental demand for the proposed new school (whilst the existence of surplus capacity in neighbouring schools should not in itself prevent the creation of new places, decision-makers should consider the impact of the new places on existing educational provision in the local area).
- 1.14** There is currently no basic need for additional school places in Barnet and excessive surplus capacity in the system needs to be avoided. This is an issue that a number of London boroughs are currently experiencing.
- 1.15** Barnet Hill Academy is located in the **West Hendon** ward, in Primary Planning Area 1 (PA1), adjacent to **Hendon** and **South Colindale** wards (PA1) and **Cricklewood**, Planning Area 3 (PA3). The latest GLA forecasts for PA1 and PA3 are shown in *Table 1* below alongside the capacity in each year, with the final column showing the surplus forms of entry taking account of Saracens

Primary places. These figures do not take account of the proposed two forms of entry proposed by Barnet Hill Academy.

Table 1- Projected surplus forms on entry based on latest pupil forecast and capacity

PA	year	Reception forecast (pupils)	Permanent Capacity (places)	Surplus (Forms of entry)	Surplus forms of entry (with Saracens Primary included)
1	2022/2023	1071	1162	3.03	NA
1	2023/2024	1118	1162	1.47	NA
1	2024/2025	1162	1162	0.00	2
1	2025/2026	1141	1162	0.70	2.7
1	2026/2027	1121	1162	1.37	3.37
1	2027/2028	1116	1162	1.53	3.53
1	2028/2029	1114	1162	1.60	3.6
1	2029/2030	1125	1162	1.23	3.23
1	2030/2031	1140	1162	0.73	2.73

- 1.16** The data in *Table 1* shows that, taking account of Saracens Primary, by 2027/28 there will be surplus capacity of more than 105 places.. Falling primary school rolls is currently a London-wide issue and some schools in neighbouring boroughs have been forced to close due to the financial challenges this creates.

Potential impact on other schools in the surrounding area

- 1.17** Barnet Hill Academy's voluntary aided proposal is likely to have the following impact on other primary schools in the surrounding area:

Jewish schools (no impact expected)

- IJDS
- Beis Yaakov
- Hasmonean Primary
- Menorah Primary

Other faith schools (low impact expected)

- St Joseph's Catholic
- SMSJ

Oversubscribed non-denominational schools (low impact expected)

- The Hyde
- Sunnyfields
- Colindale

Historically undersubscribed schools (likely to be impacted)

- Parkfield
- Bell Lane

- 1.18 Secondary destinations for Year Six leavers have historically been across several schools, including Hendon and Cophall School, both Barnet schools that tend to have surplus secondary transfer places.

Demand for Islamic school places in the community

- 1.19 Whilst Barnet is home to a well-established and growing Muslim community, which forms the borough's third largest religious group at approximately **12% (45,000 Muslims)**, after 39% Christians and 19% Jews, this is currently not reflected in Barnet's school offer.
- 1.20 As shown in *Table 2* below, other major religions observed in the borough, Catholicism, Christianity (Church of England) and Judaism are well represented in Barnet school offer and there is also a wide choice of non-denominational schools for children of no faith, where parents do not express a preference for their children to attend a faith school.

Table 2 – Breakdown of Barnet primary provision by religious character

Designated Faith	Number of schools
Jewish	15
Catholic	10
Church of England	16
None	52

- 1.21 Barnet Hill Academy is located in the most densely populated Muslim area of Barnet (20% approximately) and expects to become over-subscribed school from the point of conversion to a voluntary aided school, drawing from a large community base who currently have no access to a local Islamic state school.
- 1.22 Barnet Hill Academy's proposal to join the maintained sector would further enhance Barnet's inclusive educational offer, by helping to redress the gap in provision and better reflect the diverse religious, ethnic and cultural diversity of the population. This will also support the inclusivity and equalities remit of the Council in ensuring that provision for all segments of the Black and Ethnic Minority is met and expressed through its educational offer.
- 1.23 According to the Government's 'Get Information about School's' service, there are only 16 Islamic state-funded primary schools across the whole of England. In London, there are only seven and these are situated in the boroughs of Brent, Harrow, Redbridge, Hackney, Wandsworth and Lambeth. The nearest Islamic primary state school in the area of the proposed Barnet Hill Academy voluntary aided school is the two-form entry Islamia Voluntary Aided Primary School in Kilburn, Brent. According to Brent Council's published information, Islamia Primary is in the minority of Brent primary schools that are oversubscribed for the Reception 2022 intake.
- 1.24 The proposer has referenced key statistics for Barnet's population demographics. The borough's population is continuing to grow both in numbers and diversity with a projected increase of nearly 5% in the 0-19 years cohort by the end of the decade. The most populous wards and the highest growth and

Muslim concentration lie in Barnet’s Primary Planning Area 1 (Colindale, Hendon, West Hendon and Burnt Oak).

- 1.25** The proposer has presented results of their survey with a total of ‘819’ expressions of interest and support for the proposed voluntary aided school, in the first round of public consultation. During the formal four-week representation period, the LA received over two hundred supporting emails from members of the Muslim community, including parents, school staff and governors and leaders of the three main Barnet mosques, as well as support from a Jewish Primary School and members of other faiths **[Appendix 1(d)]**.
- 1.26** Barnet Hill Academy has recently transitioned from an all-through school to an early years foundation and primary phase school, effective from the 2020/21 academic year. The proposer has explained that class sizes have historically been limited due to the fee-paying and previous multi-phase nature of the school, hence the current low numbers across the primary cohorts. Reception numbers have been slightly lower in recent intakes London-wide, as a result of a fall in birth rates and the pandemic. The school is currently operating with 141 pupils across Reception to Year 6 .
- 1.27** The table below shows pupil numbers in the primary phase, in the current and last three academic years. The school is unable to provide historical data prior to the 2018/2019 academic year due to a change in their information management system and the requirements of General Data Protection regulations.

Table 3 – Barnet Hill Academy pupil numbers for the last four years, by year group

	YR	Y1	Y2	Y3	Y4	Y5	Y6	TOTAL
2021 - 2022	21	22	21	23	19	19	16	141
2020 - 2021	19	20	22	14	19	16	8	118
2019 - 2020	17	18	21	22	17	16	14	125
2018 - 2019	15	17	21	17	16	15	14	115

- 1.28** Barnet Hill Academy sits at the boundary of Brent and Harrow and attracts applications from both of these boroughs. Presently there are approximately 80 pupils who are resident in Barnet; the rest are from the neighbouring boroughs and a few from further afield.
- 1.29** The proposer has reported significantly increased interest in the school, which has been reflected in higher application numbers in recent months. However, in order to raise standards, the school is currently selecting by academic ability which further limits the intake. The school has reported that in general, a third of the total applications that do not lead to enrolment are those where the required academic threshold has not been met, a third are unable to pay the fees and a third cannot join for other reasons. The proposed voluntary aided school will not require prospective pupils to take an entrance test and children from all academic abilities will be eligible for admission to the school.

1.30 In summary, Barnet has sufficient existing and planned primary school places to meet the anticipated demand through to the end of the decade. The proposed addition of two additional forms of entry through this proposal may exacerbate the ‘falling roll’ issue that some Barnet and neighbouring boroughs’ schools are facing. On the other hand, the proposed Islamic voluntary aided school will further enrich Barnet’s diverse faith offer and fill the gap in provision for the borough’s large Muslim population. The LA has a duty to secure diversity in the provision of schools and increase opportunities for parental choice and consider parental representations, as stipulated in Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011.

Suitability

1.31 When considering any proposal for a new maintained school, the decision-maker should consider the proposal on its merits and take into account all matters relevant to the proposal. Any proposal put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the Department’s guidance on ‘Promoting Fundamental British Values through Spiritual, Moral, Social and Cultural (SMSC) development.

1.32 Barnet Hill Academy’s Ofsted inspection in 2018, recognised the excellent spiritual, moral and social development of pupils and noted that these aspects are strongly promoted through the formal curriculum as well as many enrichment experiences. The school’s work to promote personal development, behaviour and welfare of pupils was rated as outstanding. Pupils are involved in a number of inter-faith projects and forums, promoting respect and understanding of each other’s faith and cultures. It is a member of a local branch of an organisation which arranges community events linked to issues of democracy and social justice. The inspection concluded that pupils are involved in local and national good citizen activities, learn about people with protected characteristics, respect difference and value diversity.

1.33 In November 2021, a review of Barnet Hill Academy standards was commissioned by the school through the Barnet Partnership for School Improvement Service (BPSI). Amongst the strengths identified, the assessors noted that resources seen represent a wide diversity and British values are well represented. Behaviour was reported as exemplary and children were very polite and welcoming.

1.34 The school holds annual School Council Elections reflective of the British electoral system encouraging the whole school community to participate and learn about democracy. Pupils are encouraged to enter in local UK Youth Parliament elections to become Barnet Ambassadors; and some former pupils have been elected to this role. The school has facilitated workshops with the Barnet Islamic Forum and Barnet Council where pupils’ views were foremost in cementing a local identity. The proposer has reported that this work was critical in formulating Barnet’s unique definition of Islamophobia (in 2020). The school

also promotes extra-curricular activities in collaboration with local organisations such as JW3 (Jewish Community Centre).

- 1.35** Barnet Hill Academy holds a number of activities throughout the year, including Quran Week, Diwali, Black History Month, Charity fitness events, Anti-Bullying Week, Science Week, Art Week, , Book Week and E-Safety awareness. In this way, learning at Barnet Hill Academy is enriched with British values.
- 1.36** The proposer has provided examples of the ways in which the school teaches pupils and promotes their development around democracy, the Rule of Law, individual liberty, mutual respect and tolerance.
- 1.37** The proposer has submitted a copy of their SMSC curriculum overview and a their SMSC Policy, as further evidence of the school's commitment to pupil development in this area [**Appendix 2**].

Proposed admissions arrangements

- 1.38** Before approving a proposal, the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.
- 1.39** The Admissions Code requires that oversubscription criteria is reasonable, clear, objective, procedurally fair and complies with relevant legislation. Criteria should not disadvantage unfairly children from particular social or racial groups or children with a disability or special educational needs. Faith-based oversubscription criteria is permitted, but places must be offered to every child whose parent applies, regardless of faith, if there are places available. In addition, the school must give priority to looked after and previously looked after children of the faith before other children of the faith and other looked after and previously looked after children before all other children.
- 1.40** The proposer has submitted a copy of the proposed admission arrangements and supplementary Information Form (SIF). In accordance with statutory requirements, Barnet Hill Academy, as a voluntary aided school, will give priority to children of the Muslim faith but will permit children of all faiths to be admitted to the school. The proposed voluntary aided school will also give priority to looked after and previously looked children of Muslim faith before other Muslim children and other looked after and previously looked after children before all other children.
- 1.41** The admission authority for the voluntary aided school will ensure that any faith based priority for admission is measured through independently verifiable criteria, including mosque attendance and commitment to the pillars of Islam.
- 1.42** The revised admission arrangements meet statutory requirements and comply with the School Admissions code.

National Curriculum

- 1.43** All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community under the relevant sections of the Education Act 2002.
- 1.44** Barnet Hill Academy offers the full National Curriculum and this was highlighted as being of 'Good' calibre in 2018, when the school was inspected by Ofsted. In July 2021 the school achieved the Quality Mark for English and Maths (Quality Mark Certificate) and is currently aiming to achieve the Health Early Years Award. **[Appendix 3]**.
- 1.45** In November 2021, the BPSI Team, represented by Barnet's Learning Network Inspectors, a primary school Peer Headteacher, the Safeguarding and Exclusions Lead and an Early Years Advisory Teacher, carried out the review of the quality of education at Barnet Hill Academy. The BPSI review assessed the standard of education, both in terms of the strength of the curriculum and quality of classroom practice. To do this, the reviewers undertook three 'deep dives' in three subject areas as agreed with the school leaders (Reading, Maths and History). The Barnet Safeguarding and Exclusions Lead assessed the strength of safeguarding at the school.
- 1.46** The BPSI Team met with subject leads, observed lessons, talked to children about their lessons and heard them read, talked to teachers, met with senior leaders and governors and a conducted safeguarding 'walk and talk'. The main findings of the BPSI review were presented in a feedback report. Many areas of strength were recognised across all themes that were assessed: learning, leadership, safeguarding, reading, Maths and History. However, the reviewers also identified significant areas for development and made a number of recommendations to enhance individual learning and development, curriculum leadership and mentoring support for Key Stage 1 and 2 teachers.
- 1.47** The school has engaged well with the BPSI service and provided a detailed Action Plan, addressing each of the areas identified for further development. This has been evaluated by a Lead LNI, who has also held a detailed discussion with the headteacher on the school's progress in implementing the actions. The LNI feedback is positive, with recognition that the school is on a journey to becoming securely 'Good', the headteacher is open to support, committed to continued professional development and has capacity to achieve a 'Good' judgement within the inspection time frame. Although the school will continue to need additional training and consultancy support to make the necessary improvements it would not need intensive support beyond this.

School size

- 1.48** Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget on the need to provide additional funding to a small school to compensate for its size.

- 1.49** The school premises is registered with the Department for Education (DfE) as a two-form entry school thereby allowing the anticipated 420 students. The recent external survey (Pupil Capacity Report) mapped site provision in relation to (DfE Guidelines) BB103 requirements and reinforced this registration finding, stating the school to be of ample capacity to accommodate the planned numbers. Up-to-date regulatory reports further evidence the readiness of the site for the anticipated pupil numbers.
- 1.50** In the first academic year as a voluntary aided school, Barnet Hill Academy proposes to operate with one-form of entry (30 places) in Years 1 to 6 and two forms of entry in the Reception cohort (60 places), with each subsequent year accruing an additional form from Reception upwards, thus completing the transition to a full two-form entry school over seven years.
- 1.51** It is recommended that Barnet Hill Academy converts to VA status in September 2023, to allow potential applicants the full admissions cycle to become aware that the school is no longer fee-paying, consider the new admission arrangements and make an informed decision as to whether they wish to express a preference for a place at the school. This would also maximise the school's chances of securing a full cohort of 60 Reception pupils for the 2023 intake. In order for this to work, the LA would seek to arrange an online application process for the school from September 2022, outside the statutory coordinated admissions process and include the Barnet Hill Academy's educational offer in the 2023 Primary Admissions Guide. This recommendation takes account the decision maker's duty to consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size, balanced with the need to secure diversity in provision with regard to local context and the nature of the area.
- 1.52** The potential impact to the LA's school budget, should the proposed voluntary aided school need to be compensated in the event of undersubscription, is covered under sections 5.2 and 5.6 of this report.
- 1.53** The proposer has submitted copies of the Pupil and Net Capacity Report and the Quality Mark Certificate.

Equal opportunity issues

- 1.54** The decision-maker must have regard to the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to eliminate discrimination, advance equal opportunity and foster good relations between people with protected characteristic and those without that characteristic.
- 1.55** The proposal gives a detailed account of the Barnet Hill Academy's proactive approach to the Equality Act 2010, together with a copy of the school's online Statement on the Equality Act. The proposer recognises the duty under the Education and Inspections Act 2006, to promote community cohesion and how these reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998. The school endeavours to annually review actions against their Equalities Policy and to collect and analyse data relating to protected characteristics, in order to

determine the focus of their equality objectives. The data will be assessed across the core provisions and functions, including Admissions, Attendance, Attainment, Exclusions and prejudice-related incidents.

- 1.56** The proposer has also submitted evidence of a series of due diligence policies and plans, including the school's Accessibility Plan, Anti-Bullying Policy, Assessment Policy, Attendance Policy, Behaviour Policy, British Values and Community Cohesion Policy, Concerns and Complaints Policy, Data Subject Access Request Policy, Prevent Policy and Statement and SMSC Policy [Appendix 2].

Integration and community cohesion

- 1.57** When considering, publishing or deciding a proposal, the proposer and the decision-maker should take account of the community to be served by the school and the views of different sections within the community. They should consider whether

i) the school will be welcoming to pupils of any faith and none; and how the school will address the needs of all pupils and parents;

ii) the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education;

iii) the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none;

iv) the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.

- 1.58** The proposer has evidenced SMSC practices at Barnet Hill Academy, through extensive partnership working practice. The proposed maintained school intends to continue with and further strengthen this role. As the only Islamic faith school in Barnet, the proposer has gained extensive experience and taken up opportunities to work with a number of faith and non-faith schools both within and outside the Barnet border, including Parkfield, Hasmorean and Shalom Noam Primary (Barnet), Sinai Jewish Primary (Brent), Emanuel College (Hertfordshire), Nower Hill High and Sacred Heart RC (Harrow) and Berrymede Junior School (Ealing).

- 1.59** Barnet Hill Academy has demonstrated engagement in many school twinning and community projects. This has helped to foster positive relationships with a number of other local schools, share experiences and promote SMSC values for the benefit of pupils and the wider community.

- 1.60** Barnet Hill Academy has also worked with local institutions such as Hendon Library where pupils have attended a series of workshops encouraging a love for reading, facilitated by library staff. The school utilises local heritage

resources, such as visits to the Royal Air Force Museum and Hampstead Heath as a way of incorporating local identity. The proposer anticipates a continuation of such interactions with local expertise as a voluntary aided School.

- 1.61** The proposed admission arrangements permit children of all faiths to be admitted to the school, meet statutory requirements and comply with the School Admissions Code.
- 1.62** Feedback on public consultations relating to the proposal is covered in Section 5.9 of this report.

Travel and accessibility

- 1.63** The decision-maker should satisfy themselves that the proposer has taken into account accessibility planning and that the proposal will not adversely impact on disadvantaged groups.
- 1.64** A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.
- 1.65** According to the proposal, Barnet Hill Academy participates annually in various schemes and programmes aimed at improving children's health and environmental awareness. This has contributed towards their STARS Transport for London (TfL) awards which acknowledges the school's work at the end of every academic year with either a bronze, silver or gold award. In this respect, the school has designated Junior Travel Ambassadors.
- 1.66** Pre-pandemic, the school actively engaged with the 'Bike It' Scheme and worked with a designated 'Bike It' School Officer, whose role was to increase the number of students riding, walking or scooting to school instead of travelling a car. Annual lessons and workshops were delivered on cycling, teaching pupils how to ride a bike and bike repair skills and raising awareness on road safety.
- 1.67** Pupils have use of the school's bicycle shed and will be encouraged to re-engage with sustainable travel initiatives including STARS TfL, Bike It Scheme, WOW – Walk to School now that the pandemic has subsided and when these initiatives are back up and running.
- 1.68** The proposer fully supports the LA duty to promote sustainable travel and transport and will continue to engage with available walking, cycling and eco-school programmes.
- 1.69** Through re-engaging and further developing these schemes, the proposer does not anticipate increased journey times, increased travel costs or lack of sustainable travel to the proposed voluntary aided school.
- 1.70** The proposed voluntary aided school's admission arrangements give priority to children under each category, in order of home-to-school proximity, with those living closest being awarded higher priority. This is in spirit of the school's desire

to serve the local community and draw pupils living within walking distance. The majority of the school's current roll are local residents.

Funding

- 1.71** The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (for example, trustees or religious authority) have given their agreement to the funding arrangements. If there is a need for capital funding, the proposer must make a separate bid to the DfE.
- 1.72** As part of the LA's duty to undertake all due diligence checks, further legal advice has been sought on Barnet Hill Academy's land and premises arrangements to ensure these are appropriate and financially viable, in accordance with the guidance on conversion to a voluntary aided school. Based on the advice, the LA is concerned that the proposer has only been offered a 25-year lease term, with the right to renew the lease for a further 25 years. Furthermore, the rental agreement of £47,000 per annum, described as 'nominal' rent is far higher than a nominal value that the term would suggest.
- 1.73** To ensure that the proposed Barnet Hill Academy VA School has security and longevity of tenure, and to help protect the school from running into financial challenges in the event of undersubscription, it is recommended that the LA requires the proposer to seek the standard 125-year lease term and a reduction in the annual rent to a peppercorn rent value. This should be one of the conditions for LA approval of the proposal. The proposer should have entered into the lease prior to the implementation date of September 2023.
- 1.74** Presently, Physical Education at Barnet Hill Academy, takes place outdoors on the hard surfaced games area. Dependent upon the activity PE also takes place in the main school hall and basement gym area, in particular for younger students. Local facilities are also utilised off-site including Sports Centres (Hendon Leisure Centre) and specialist facilities such as tennis and squash courts. The proposer has reported plans to install a MUGA sports facility on-site but these plans are at the early stages at present.
- 1.75** This is another area of concern as the school currently has no access to outdoor playing fields or an alternative MUGA. There are other schools in the borough that share playing fields.
- 1.76** It is recommended that the LA requires the proposer to seek and arrange shared use of playing fields and expedite their plan to install an onsite multi-use games area (MUGA) within the next five years financed by the school, as a further condition on their proposal. The LA will help to facilitate introductions and discussions with other schools in the area to assist the proposer in brokering a deal for shared use of playing fields.
- 1.77** The proposer has provided two years of audited accounts for Barnet Hill Academy and developed a detailed five-year projected revenue budget for the future operation of the voluntary aided school, which has been scrutinised by the LA's Lead Finance Officer. The school has used prudent assumptions and amended its forecasts in line with the Lead Officer's suggestions.

- 1.78** The school finished the financial year to August 2021, with a reserve approximately £26K and is forecasting to add to its reserves from the first year of the conversion. These forecasts have been approved should the pupil numbers be achieved. The school is assuming full one forms of entry across Years 1 to 6, and two forms of entry in the Reception year (240 pupils) from Year 1, and growth of one class of 30 pupils each of the subsequent years until the school reaches two forms of entry throughout.
- 1.79** The current school and proposing Educational Trust have no secured or unsecured loans. All liabilities for Barnet Hill Academy Limited, approximately 20K as of 30 June 2021, will remain with the company.
- 1.80** The school currently receives approximately £430K from tuition fees, £119K from donations and Early Years grants and £36.6K from other sources. As a voluntary aided school, Barnet Hill Academy expects to continue to receive voluntary donations which will be used entirely on Islamic studies with an anticipated reserve. The school has submitted a Voluntary Contributions and Remissions Policy which makes it clear that parents are not obligated to make voluntary donations to the school and that their willingness or otherwise is not a factor that can be considered when determining admission for a pupil.
- 1.81** A budget calculation is provided which shows that the school does not place reliance in the budget for Islamic studies as the donations/voluntary contributions are sufficiently robust to support this aspect of our curriculum.
- 1.82** The delivery of the National Curriculum within the submitted budget is funded entirely through central government grant.
- 1.83** The weekly hours funded by each element has been broken down as follows:
a) State funding through the schools funding formula – 93%
b) Voluntary contributions and donations – 7%.
- 1.84** The proposed voluntary aided School will follow Teachers' Pay and Condition upon entry to the maintained sector and will adopt compliant arrangements which it will seek to implement from the outset. A copy of the proposed pay policy has been provided and approved.

2. REASONS FOR RECOMMENDATIONS

- 2.1** The Council is required to make a determination of the proposal to establish Barnet Hill Academy Independent as a voluntary aided school, within two months of the end of the statutory consultation by the school, effective on 15 July 2022.
- 2.2** The recommendation for the council to approve the proposal subject to the specified conditions being met is to ensure risks are mitigated, the investment is sound and the proposed VA school provides good standards of education, long-term financial health and value for money.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1** An alternative option open to the LA was to invite the proposer to apply to join the state sector via the Free School route. This option was not pursued as there is no identified basic need for additional primary provision in the area. The proposal is being considered to diversify Barnet's educational offer for the borough's Muslim population
- 3.2** The LA had the right to reject the proposal or to accept the proposal without conditions or modification. The option of rejecting the proposal is not recommended, because whilst there is not a basic need for additional school places, the school does contribute to a diversity of schools to reflect the diverse groups in the Borough and the other concerns could be adequately addressed via the imposition of conditions and modification. The option of accepting the proposal without conditions or modification is not recommended as the LA should ensure that a school entering the maintained sector has a secure and long term site with suitable access to outdoor space, the arrangements of which do not put added pressure on the limited funding available for state schools. In addition, in order to reduce unnecessary churn in the admission system, a planning implementation date of September 2023 is recommended. If the implementation date of September 2022 was agreed, this would require parents who have secured a place in alternate schools to reject that place having applied and secured a place in Barnet Hill Academy. With less than 2 months before the start of term, this is likely to result in some schools being unable to fill these places and also increases the risk of Barnet Hill Academy not filling its 60 planned places, which places a financial pressure on schools. Finally having an implementation date of September 2023 will allow an element of co-ordination and for parents to express a preference for Barnet Hill Academy during the normal admission cycle.

4. POST DECISION IMPLEMENTATION

- 4.1** If the proposal is approved, Barnet Hill Academy will begin the process to join the maintained sector as a voluntary aided school. The school would become voluntary aided with effect from 1 September 2023 and begin receiving public funds from that date.
- 4.2** Where the LA is the decision-maker, within one week of making a determination they must publish their decision and the reasons for such a decision being made on their website. They must arrange for the notification of the decision and reasons for it to the Secretary of State, the proposers, the Schools Adjudicator and relevant religious authorities.
- 4.3** The proposer must implement a proposal in the form approved, including any modifications made by the decision-maker.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1** The quality of the education offer is at the heart of Barnet's continuing success

as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools and the diversity of its educational offer. Excellent educational outcomes and ensuring children and young people are equipped with the tools to take advantage of future opportunities is part of the Barnet Family Friendly Plan as set out in its Corporate Plan, which states:

- we want to continue to ensure there are sufficient high-quality school places available and work closely with partners to do so;
- our schools are among the best in the country – through this plan, we will work to make Barnet even more family-friendly, improving our excellent facilities;
- the diversity of our borough and our workforce is a huge strength but we can and will do better
- our excellent schools and diverse communities all help make Barnet a great place to live, work and visit; as a borough we want to build on these strengths as we move into the future.

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

- 5.2.1 On becoming a voluntary aided state maintained school, Barnet Hill Academy would be revenue-funded through Barnet's allocation of central government grant (Dedicated Schools Grant - DSG). The LA would receive funding from Central Government for pupils on roll at Barnet Hill Academy, from the month of April after the first October in which they the school has acquired voluntary aided status.
- 5.2.2 Barnet Hill Academy as a voluntary aided school will not be entitled to any allocation from the growth fund when they transfer, or subsequently, as the Council has not commissioned the additional places to meet basic need and is unlikely to commission this after the proposed conversion given the current surplus of primary places.
- 5.2.3 If the school were to convert to voluntary aided status in September 2023, it would appear on the October 2023 school census and would receive funding for pupils from April 2024. This means the LA would be required to fund the school for seven months, from September 2023 to March 2024, with no extra income from Central Government. Based on a cohort of 240 pupils, the cost to the Council is in excess of 500K. The cost would be approximately twice as much if voluntary aided status was acquired January or April 2024. This would place pressure on other maintained schools as the funding would have to be sourced through the growth fund.
- 5.2.4 In relation to capital funding, the Council receives an annual allocation for the maintenance programme at community schools. The allocation is not sufficient to remedy or repair Barnet's existing maintained schools and many schools

have to wait several years for remedial works. Therefore, Barnet's framework states that 'the school must demonstrate that it has sufficient financial resources to meet the financial responsibilities of any planned maintenance work for a 5-year period.

- 5.2.5 Barnet Hill Academy has recently invested financial resources in improving the school building condition, including substantial work to roof and windows in the main school building.
- 5.2.6 The LA's Principal Building Surveyor has carried out an informal school site visit and provided positive feedback on the school's building and condition. Copies of the annual external Fire Risk Assessment and Review, Health and Safety Inspection Report and Asbestos Report have been submitted as part of the evidence. Overall, health and safety appear to be well-managed and the school is in the process of undertaking minor additional work to further improve physical safety and compliance management.
- 5.2.7 There are no staffing implications for the LA. The proposer has provided details of the staffing structure and resources in place to manage the proposed voluntary aided school. Please also refer to paragraph 1.84 above for staffing pay and conditions.

5.3 Legal and Constitutional References

- 5.3.1 Section 11 of the Education and Inspections Act 2006 provides for the establishment of a new voluntary aided school, without requiring Secretary of State consent and without the need to seek proposals for a new free school. Voluntary aided schools will normally be opened to meet a specific type of need, commonly to meet demand for a particular faith group.
- 5.3.2 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 set out the process for establishing a new school. The process requires formal consultation for at least 6 weeks, followed by the publication of a statutory proposal and a 4-week representation period. This process is the responsibility of the proposer. The decision of whether to establish a new voluntary aided school lies with Barnet Council, as the proposed authority to maintain the school.
- 5.3.3 Statutory guidance is provided in Opening and Closing Maintained Schools – November 2019. The consultation and representation responses are outlined in Section 5.9 and a summary of representations and letters of support are enclosed in **[Appendix 1(d)]**. These representations and all other relevant information contained in this report and appendices must be taken into account when making a decision.
- 5.3.4 The Council, as decision maker may
- reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with such modifications as they think desirable, after consulting the proposer; or
 - approve the proposal – with or without modification – subject to certain

conditions being met.

5.3.5 Barnet Council has a statutory duty under section 14 of the Education Act 1996 to ensure that sufficient schools for providing primary and secondary education are available in the area. Sub-section 3A states that a local authority shall exercise their functions under this section with a view to (a) securing diversity in the provision of schools, and (b) increasing opportunities for parental choice.

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

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

5.4 Insight

5.4.1 The LA subscribes to the Greater London Authority (GLA)'s School Roll Projection Service, which indicates an increasing demand for primary school places in the area (Planning Area 1), where the school is located. This is an area of major regeneration and additional pupil yield is expected from 2023/24. The area has the highest population of Barnet's Muslim community and this religious community is currently not represented in Barnet.

5.5 Social Value

5.5.1 The proposed admission arrangements for Barnet Hill Academy have been drawn up to ensure that the practices and criteria used to decide the allocation of community school places are fair, clear and objective, and comply with all relevant legislation, including equalities legislation. The arrangements do not unfairly disadvantage a child from a particular social or racial group, or a child with a disability or special educational needs

5.6 Risk Management

5.6.1 The proposer has assumed full pupil cohorts from the first year as a voluntary aided school, in their projected five-year revenue budget. The forecast is based on 240 pupils in Year 1, and a growth of one class of 30 pupils in each subsequent year (until the school has fully expanded to two forms of entry).

5.6.2 The LA has scrutinised the proposer's revised forecast budget and deemed that prudent assumptions have been used in line with recommendations. The school should not encounter any financial issues from the point of conversion, as long as the assumed pupil numbers are seen.

5.6.3 However, as the financial modelling is based on the school achieving a full two-form entry and on 7% of income coming from voluntary donations, there is a concern about the viability, cost effectiveness and potential funding pressure if the school does not reach the expected admission number, or voluntary

donations reduce. There is also a concern about the £47,000 annual rent commitment and the financial pressure that this may cause. The reason for recommending the imposition of the conditions requiring the lease to be at a peppercorn rent and the September 2023 conversion date is to mitigate this risk.

5.6.4 Should parental demand for the proposed school places not be realised, this would result in a reduced Central Government funding to the school and to the LA. Primary schools are more susceptible to changes in parental demand due to their smaller size and less able than larger schools to withstand turbulence in demand. So overall there is a concern about the potential impact on the LA's budget should the school face financial challenges and require additional funding to compensate for surplus capacity. The recommendation for conversion to voluntary aided status in September 2023 will help to mitigate this risk.

5.6.5 On the other hand, the school is located in Barnet's Primary Planning Area 1, which is undergoing major regeneration with increased population anticipated over the longer 15-year-year and the focal point of the borough's Muslim population and comparably the only other non-fee paying Islamic school in the region is over-subscribed.

5.6.6 In the event that the proposed voluntary aided school is consistently unable to deliver a balanced budget, there are contingency measures available to the Council, as follows:

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

5.7 Equalities and Diversity

5.7.1 There are currently no schools in Barnet that seek to provide education in

accordance with the tenets of Islam, which is the religion followed by approximately 12% of Barnet's residents. Islamic state schools in other London boroughs tend to be oversubscribed, evidencing the demand for schools that have this faith character.

- 5.7.2 By entering the maintained sector Barnet Hill Academy will support the diversity of provision within the Barnet maintained sector reflecting the religious, ethnic and cultural diversity of its population. Providing Islamic primary school places within the state sector will enable the Muslim community to have a greater choice of schools and help to meet the demand.
- 5.7.3 Barnet Hill Academy is committed to working in partnership with families and the community to develop pupils to become responsible, committed members of the Muslim community and society at large and will continue to work with other local schools to build links with the wider community and promote community cohesion. Barnet Hill Academy has already forged links with many other faith and non-faith schools.
- 5.7.4 The school's commitment to equal opportunities is further evidence in paragraphs 1.55, 1.56 and 1.61.
- 5.7.5 There are currently no pupils who have an Education, Health and Care Plan (EHCP) at Barnet Hill Academy. The school will adopt an inclusive approach to all children with SEN and disabilities but will not offer any specific resourced provision.

5.8 Corporate Parenting

- 5.8.1 The Code imposes a mandatory requirement on admission authorities of maintained schools to give priority in its oversubscription criteria to all looked after children and previously looked after children, including internationally adopted previously looked after children. In accordance with the Code, Barnet Hill Academy as a voluntary aided school shall give priority to all looked after children and previously looked after children of the faith before other children of the faith. In relation to children not of the faith, looked after children and previously looked after children not of the faith will be given priority above other children not of the faith.

5.9 Consultation and Engagement

- 5.9.1 Despite the Covid-19 lockdown and significant challenges presented as a result of the pandemic, the proposer has engaged extensively with the local Muslim community, local schools and council leaders since October 2019 when the governors first expressed their interest to join the maintained sector. This has been through informal surveys, formal consultations, meetings, networking and invitations to the Barnet Hill Academy celebration events. The proposal has received a high level of support from the Muslim and wider community
- 5.9.2 A full public consultation initially commenced in November 2020, through a published brochure and flyer, both online and face-to-face, including coffee

mornings at the school **[Appendix 1(a)]** This was suspended during the lockdown and restarted afresh post-lockdown from April 2021. During the period of consultation, the school reported several hundred expressions of support and interest, all in favour of the proposal.

5.9.3 In April, the school issued a statutory proposal and a Statutory Notice which ran from 19 April 2022 to 17 May 2022. During this period, the LA has received over 227 emails and letters from leaders of Barnet's three main Islamic establishments (Islamic Centre, Edgware, Hendon Mosque and Islamic Centre, Islamic Association of North London), all very much in support of the proposal. The feedback has been strongly themed around the large and growing Muslim community in Barnet and the need for an Islamic school to bridge the gap in Barnet's diverse faith school offer. **[Appendix 1(b)]; Appendix 1(c); [Appendix 1(d)]**

5.9.4 The proposer has stated that as part of the process to become voluntary aided, they have consulted with all primary schools within two miles of the proposed permanent site and all Early Years Foundation Stage providers within Barnet. The LA has received a letter of support from Shalom Noam Jewish primary School, Barnet **[Appendix 1(d)]**

5.9.5 Whilst School Forum members have not been consulted explicitly on Barnet Hill Academy's application to become voluntary Aided, the school has been included in the funding models as joining the maintained sector in the report to Forum, for this financial year.

6. Environmental Impact

6.9.1 As outlined in Paragraphs 1.65 to 1.70, Barnet Hill Academy has demonstrated support in the LA's duty to promote the use of sustainable home-to-school travel. The school has engaged actively in eco-school travel programmes and will continue to do so a voluntary aided school.

6.2 No adverse environmental impact is anticipated in relation to the proposal.

7. BACKGROUND PAPERS

7.1 [Statutory Guidance on Opening and Closing maintained Schools](#)

7.2 [The School Organisation \(Establishment and Discontinuance of Schools\) \(England\) Regulations 2007](#)

7.3 [Education and Inspections Act 2006](#)

7.4 [Children, Education, Libraries and Safeguarding Committee Framework for considering applications from independent schools applying to move into the maintained sector 9th March 2015.](#)