



DETERMINATION

Case reference: STP635

Referring Authority: Northumberland County Council at the request of the governing board of Bellingham Middle School

Date of decision: 13 November 2018

Decision

In accordance with the provisions of paragraph 17 and paragraph 8 of Schedule 2 to the Education and Inspections Act 1996 I reject the proposal to discontinue Bellingham Middle School and Sports College.

The Referral

1. On 10 July 2018 the Cabinet of Northumberland County Council (the local authority) approved the proposal published by the local authority under section 15 of the Education and Inspections Act 1996 (the Act) to discontinue (that is, to close) Bellingham Middle School and Sports College (which I will refer to as Bellingham Middle School) which is a foundation school. The federated Governing Board of Bellingham Middle School and Bellingham First School requested the local authority, under paragraph 14 of Schedule 2 to the Act, to refer the proposal to the adjudicator. In accordance with that paragraph the local authority duly referred the matter to the adjudicator.

Jurisdiction

2. The proposal having been referred to me under the provisions set out above I am required by the provisions of paragraph 17 of Schedule 2 to the Act to consider the proposal afresh. Paragraph 17 requires that in connection with my decision on the proposal the specified provisions of paragraphs 8 and 9 apply as they applied to the local authority. Sub-paragraph (4) of paragraph 8 sets out that

“the [adjudicator] may-

(a) reject the proposals,

- (b) approve the proposals without modification, or*
- (c) approve the proposals with...modifications...*

Sub-paragraph (5) is not relevant in the circumstances of my decision. Sub-paragraph (6) states:

“When deciding whether or not to give approval under this paragraph, the [adjudicator] must have regard to any guidance given from time to time by the Secretary of State”.

Procedure

3. The guidance referred to above is *“Opening and closing maintained schools Statutory guidance for proposers and decision-makers April 2016”* and *“Guidance for decision-makers Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals April 2016”* (I will refer to the latter as the Guidance). In reaching my decision I have considered both sets of guidance and the relevant legislation.
4. The further documents I have considered in reaching my decision include:
 - a. the phase 1 and phase 2 consultation documents published by the local authority;
 - b. the report to the local authority’s Cabinet dated 8 May 2018 and appendices;
 - c. the statutory notice of *“proposals for the reorganisation of some maintained schools in the Haydon Bridge Partnership”* published 10 May 2018;
 - d. the objections and comments on the proposals set out in the statutory notice;
 - e. the report to the local authority’s Cabinet dated 10 July 2018 and appendices;
 - f. the document headed *“Appeal from the Governing Body of the Bellingham Partnership of Schools in response to the proposed closure of Bellingham Middle School in August 2019”*;
 - g. a number of emails and attachments submitted by local parents and carers and by supporters of Bellingham Middle School;
 - h. the responses of the local authority to a number of queries raised by me.
5. I also held meetings with representatives of the governing board of Bellingham Middle School and representatives of the local authority

on 12 October 2018 at 2.00pm, a public meeting on 12 October 2018 at 5.00pm (both at Bellingham Middle School) and a meeting with the representatives of the local authority and a representative of the Regional Schools Commissioner on 15 October 2018. I was given a tour of the school by the headteacher. I took the opportunity to tour the local area by car.

Background

The area and the structure of local school provision

6. Bellingham Middle School lies in the village of Bellingham situated in the valley of the North Tyne river, in the Pennine hills. The area is one of hill farms raising livestock, mainly sheep and cattle. To the north west lies a large area of forestry, the Kielder Forest, surrounding Kielder Water, a large reservoir created by damming the upper North Tyne river. It is an area of great natural beauty, sparsely populated and characterised by hills and valleys, steep gradients and narrow, often single track, roads. From time to time, especially in winter, some roads become impassable due to flooding or snow and ice. In any conditions driving is slow and it takes longer to cover any given distance than in most other parts of the country.
7. Northumberland has for some years been divided for education purposes into a number of areas, known as partnerships. The west of the county is served by two partnerships; the Hexham Partnership and the Haydon Bridge Partnership. The Hexham Partnership had and continues to have a three tier system, that is First schools for reception to Year 4, Middle schools for Years 5 to 8 and High schools for Years 9 to 11.
8. The Haydon Bridge Partnership, which includes Bellingham Middle School, historically also had a three tier system. Up to 2012 there were three middle schools in the Haydon Bridge Partnership serving 15 first schools and feeding into Haydon Bridge High School (HBHS). In 2012 Allendale Middle School was judged by Ofsted to require special measures, which triggered a reorganisation of the schools in the south of the Haydon Bridge Partnership. The local authority published and approved proposals to close Allendale Middle School and to make the three first schools previously feeding into Allendale Middle School primary schools. At the same time the Governing Board of the West Tyne Federation published proposals for the first schools, which fed into Haltwhistle Middle School, also to become primaries. Haltwhistle First and Middle schools converted to academy status and remain as first and middle schools today. In 2016 Herdley Bank Church of England Primary School closed.
9. As a result of some first schools becoming primary schools, the age range of Haydon Bridge High School was extended down to entry in Year 7, to take pupils leaving the primary schools at the end of Year

6. It has a published admission number (PAN) of 60 for Year 7. Two middle schools remained (Haltwhistle and Bellingham) and so the High School also kept an intake to Year 9 (PAN 120) for those pupils leaving the middle schools at the end of Year 8.
10. By 2017 the Haydon Bridge Partnership consisted of a mixture of two tier and three tier provision. To the south, six primary schools fed directly into HBHS and Haltwhistle First school fed into Haltwhistle Middle School which in turn fed into HBHS. In the north, a three tier system remained with six first schools feeding into Bellingham Middle School, which in turn fed into HBHS at Year 9.
11. I have said that the first schools fed into the middle schools and the primary and middle schools fed into HBHS. However, although already complex this description rather oversimplifies the situation. Statutory provisions for parents to express preferences for schools mean that some will choose different routes for their children's schooling. To understand this aspect better it is necessary to look at the neighbouring Hexham Partnership catchment area. This area historically had a three tier system with first schools feeding into a number of middle schools which in turn feed into the Queen Elizabeth High School, in Hexham.
12. The two high schools, HBHS and Queen Elizabeth, serve adjacent geographical areas and parents from either area (or from further afield) can express a preference (or a higher preference) for one or the other. The two high schools are not far apart geographically, in the local context of a rural and sparsely populated area. The distance between them by the shortest driving route is about six miles or about 12 minutes by car. This means that in terms of accessibility from any point within the combined area of the two partnerships there is little difference between them.
13. However, the two high schools are not, of course, identical. Queen Elizabeth High School and Hexham Middle School are both academies, together forming the Hadrian Academy Trust. Queen Elizabeth High School was judged by Ofsted to be "Good" prior to its conversion to academy status in 2016. HBHS has a troubled history, which it is necessary to set out here so that the overall context of the closure of Bellingham Middle School can be understood.
14. HBHS was inspected by Ofsted in 2014 when it was classified as inadequate and requiring special measures. As required by the Academy Act 2010, an academy order was made by the Secretary of State. Prior to that Ofsted inspection the local authority had already appointed an Interim Executive Board (IEB). The local authority say in the Phase 1 consultation document that the IEB had not had the opportunity to have a significant impact before the Ofsted inspection. An IEB is tasked with the usual duties of a governing board (with some modifications). Following the Ofsted

inspection the governing board worked with the Regional Schools Commissioner to seek an academy sponsor to take on the school. Those efforts were not successful and subsequently the Secretary of State exercised powers to appoint a differently constituted IEB. In 2017 the Regional Schools Commissioner requested from the local authority a report on the viability of HBHS. This led to consideration of a reorganisation of school provision in the two partnerships. In March 2018 a further Ofsted inspection again found HBHS to be inadequate and to require special measures. Amongst other highly critical observations made by Ofsted in its published report it was noted that *“the capacity to secure further improvement is poor”*. Shortly after the inspection the IEB appointed by the Secretary of State was replaced with another IEB appointed by the local authority. At the time of my consideration of the closure of Bellingham Middle School, it is already more than three years since HBHS went into special measures; however, it seems that the local authority and regional schools commissioner have agreed that the school is to be given a further three years to improve and to find a suitable sponsor. If it does not do so I am told that the school is likely to be deemed unviable and either the local authority or the Secretary of State will exercise their powers to close the school.

15. HBHS is undersubscribed. That means that all applicants who want a place will be offered one. The PAN for Year 7 is currently 65. In 2017 the school admitted 22 pupils to Year 7 and in 2018, 39 pupils. The PAN for Year 9 is currently 120. In 2017 the school admitted 34 pupils to Year 9 and in 2018 46. This represents a significant increase but is still less than half of PAN overall. In light of the current proposals, including the proposal to close Bellingham Middle School, it is anticipated that more pupils will transfer into Year 7. Consequently, the local authority intend to change the PAN for entry in 2019 to 120 for Year 7 and 65 for Year 9. From 2020 the local authority plans to have a PAN of 120 for Year 7 only. I am told by the authority and I accept that these PANs reflect the anticipated numbers of children of the relevant age derived from birth rate data for the Haydon Bridge Partnership catchment area. I do not accept that this gives an accurate picture of the numbers who will actually attend the school for the reasons I set out below
16. Queen Elizabeth High School is currently oversubscribed. In September 2018 it admitted 312 pupils to Year 9, over its PAN of 306. Because it is oversubscribed, it has to apply its oversubscription criteria. Queen Elizabeth High School has, for admissions in 2019, adopted the oversubscription criteria used by the local authority for maintained schools. This means that (after looked after and previously looked after children) children living within the catchment area and those with siblings attending the school are allocated places before those falling into criterion 7: *“Requests on behalf of children which are based on the need to maintain continuity of educational provision within the feeder pattern*

of Northumberland's schools". It is not clear whether this is intended to give the admission authority some discretion regarding the allocation of places to children falling within this criterion, but it is clear that those children attending feeder schools are only given priority after the other categories set out above. I also note that pupils who only entered the relevant feeder school within the final year before transfer are excluded from this category, presumably to prevent late transfers wholly or mainly to ensure that a child attends a feeder school in order to gain entry to the high school.

17. It is clear to me, from the written responses to the consultation and from what parents told me at the public meeting, that there is strong support for HBHS. At the same time, it is also apparent that a high proportion of parents living in the Haydon Bridge Partnership catchment area prefer to send their children to Queen Elizabeth High School. The Stage 2 consultation document published by the local authority in February 2018 states:

"Many parents in the Haydon Bridge catchment area already choose to send their children to [Queen Elizabeth High School] in Hexham; current data indicates there are 239 students, including sixth form, living in the [Haydon Bridge High School] catchment but on roll at Queen Elizabeth High School. Based on 9 to Year 11 students only, this means around 38% of families within the [Haydon Bridge High School] catchment choose to send their children to [Queen Elizabeth High School]."

18. The proposal to close Bellingham Middle School on 31 August 2019 was not made in isolation, but together with proposals to extend the age range of a number of first schools within the Haydon Bridge Partnership catchment area, being Kielder, Bellingham, Otterburn, Greenhaugh and West Woodburn first schools, the effect being that those first schools will become primary schools on 1 September 2019. Wark First School is also to become a primary. All of the proposals were approved by the local authority's Cabinet on 10 July 2018, with the exception of West Woodburn, which, at least for the time being and for reasons specific to that school, is to remain as a first school. Taken together these proposals will make the Haydon Bridge Partnership catchment area mainly two tier. It will not be wholly two tier as the first and middle schools in Haltwhistle are academies and changes to those schools would have to follow a different process. It is likely (but not definite) that the new sponsor of the Haltwhistle schools, the Wise Academy Trust, will take steps to bring those schools into line with the two tier system in the near future, although no formal steps have been taken. If West Woodburn remains a first school (and Bellingham Middle School closes) then pupils leaving West Woodburn and needing places in Year 5 will be offered places at Otterburn School which will by then be a primary school.

The Process

19. It is necessary to set out the process of consultation in order to address the contextual background to the proposals eventually set out in the statutory notice. For clarity I will set out below a brief chronology of the process followed by the local authority, which followed the five stage process set out in the statutory guidance for opening and closing maintained schools.

Stage 1	Consultation	
	Phase 1	11 January 2018 to 2 February 2018
	Phase 2	19 February 2018 to 9 April 2018
Stage 2	Publication the statutory notice and proposals	10 May 2018
Stage 3	Representation	10 May 2018 to 7 June 2018
Stage 4	Decision	10 July 2018
Stage 5	Implementation	31 August 2019

20. The local authority's Cabinet resolved to initiate the consultation process in two phases, Phase 1 and Phase 2, and on 8 May 2018 met to consider the outcomes of the consultation and to decide to publish the statutory notice. On 10 July 2018 Cabinet agreed the proposals set out in the notice (with the alteration relating to West Woodburn First School referred to above).

Consultation

21. The consultation documentation, and the Cabinet report dated 10 May 2018 which followed, set out the background to school reorganisation in west Northumberland. The Phase 1 consultation set out the issues facing school organisation (which I will refer to as the "external factors") as follows:

"Although the Council is pleased with the educational standards achieved by many schools and academies in the west of the county, there remains some uncertainty about the long term educational future. This is due to a variety of external factors beyond the direct control of the authority."

These external factors include:

- *The withdrawal of the Bright Tribe Trust as the proposed sponsor of Haydon Bridge High School and the subsequent letter from the Regional Schools Commissioner asking the Local Authority to assess if the school is viable in the long term.*
- *The consultation of Hadrian Learning Trust (QEHS) on the potential for it to become an age 11-18 academy and the impact this will have on middle and first schools.*
- *The financial difficulties forecast by the vast majority of schools in the west.*
- *The introduction of the National Funding Formula, based upon assumptions of large pupil numbers in primary schools and an 11-18 model of secondary education.*
- *The significant over-capacity of school places in the west of the county.*
- *The need to ensure our school buildings are of top quality and invest in resources to meet the needs of the new curriculum.*
- *The need to provide excellent provision for the most vulnerable and those with special educational needs.”*

22. The Phase 1 consultation was not open to parents and the public but rather engaged headteachers and Chairs of Governors, the Regional Schools Commissioner, the local Roman Catholic and Church of England dioceses and local academy trusts. County councillors for wards in the west of the county were invited to meetings held for representatives of these bodies as observers. Governing boards were asked to submit their ideas formally for addressing the “*external factors*” by 2 February 2018, which had been extended from an initial deadline of 26 January 2018. The models for Phase 2 of the consultation were formulated following consideration of those submissions.
23. The Phase 2 consultation set out three potential models. The pages describing the models are prefixed with the following statement “*Please bear in mind that the models outlined below are only presented to aid the consultation process –a combination of models or alternative models are also sought*” which indicates that there may be other options, with the inference that the final proposals may differ from the models set out.
24. The full details of each model are set out in the consultation document and I will only set out here a brief summary of each model.

25. **Model A.** This model suggests the “merger” of HBHS with Queen Elizabeth High School. HBHS would close and all pupils transfer to Hexham Middle School or Queen Elizabeth High School. The other middle schools (including Bellingham Middle School) would remain as before on their current sites. Three first schools and one primary school in the Haydon Bridge Partnership would close and four first schools in the Hexham Partnership would close. In essence this model would largely maintain the three tier structure across both partnerships but with only one high school, and the closure of eight primary and first schools.
26. **Model B.** This model suggests the merger of Haydon Bridge High School with Queen Elizabeth High School. HBHS School would close. Queen Elizabeth High School would extend its age range to become an 11-18 school and five middle schools (including Bellingham Middle School) across both partnerships would close. Three first schools would close and the remaining first schools would become primary schools. In essence this model would create a two tier structure across both partnerships, with one secondary school.
27. **Model C.** This model suggests creating all through provision (ages 4-16) school in Haydon Bridge and the merger of Hexham Middle School and Queen Elizabeth High School to create an all through 11-18 campus, located in new buildings. The two middle schools (including Bellingham Middle School) in the Haydon Bridge Partnership would close as would seven first schools and one primary school across the two partnerships. The remaining first schools (including Bellingham First School) in the Haydon Bridge Partnership would become primary schools. In essence this proposal would create a two tier structure in the Haydon Bridge Partnership and maintain the three tier structure in the Hexham Partnership. The potential changes to the two high schools would leave post 16 provision solely at the new all-through Queen Elizabeth High School.

Responses to consultation

28. The responses of the schools to Phase 2 of the consultation are summarised in Paragraphs 7.1 to 7.28 of the Cabinet report dated 8 May 2018. It is unnecessary to set these out in detail here but I note that generally schools in the Haydon Bridge Partnership which are or would become primary schools prefer a two tier model and the first schools which are to close in all models support none of the models. Bellingham First School and Bellingham Middle School (in a single response from the federated governing board) support a three tier model. HBHS supported a variation of Model C, whereby the proposed all-through provision is extended to age 18, together with some first schools closing and others becoming primary schools (a variation of Model B). In almost every case, perhaps predictably and certainly understandably, schools supported a model (or no model)

which best supported their chances of staying open. Four responses supported Models A or B which would mean the closure of HBHS and one response supported Model C which would mean HBHS staying open as an all through school.

29. None of the Hexham Partnership schools (with the exception of the Hadrian Learning Trust schools, which didn't wish to make a substantive response as their own consultation was underway) supported any of the models. Some schools, which would stay open as primaries under a two tier model, stated that although none of the proposals was supported they would continue to thrive if they became primaries.
30. A number of schools opposed the closure of HBHS as they felt that there should be more than one school providing secondary education. One school supported the closure of HBHS. A number of schools in both partnerships were against a mixture of two tier and three tier provision either within a partnership or across the two partnerships.
31. The responses of other organisations are summarised in paragraphs 8.1 to 8.9.6 of the report. The Church of England diocese opposed the proposed closure of Church of England schools in any model and supported some form of continued 11-18 education in Haydon Bridge. The Roman Catholic diocese supported Model A, maintaining a three tier model in both partnerships, and under which both the Catholic schools would remain open. In general the responses from parish councils oppose the closure of rural schools, and particularly the closure of schools within their area. One parish council positively supports the continuation of Bellingham Middle School. A number of parish councils oppose the closure of HBHS and one supports Model B, which would mean it closing.
32. I find that the consultation was carried out thoroughly and met the statutory and other legal requirements. The process set out the proposals being considered and the reasons why those proposals were being considered. The appropriate consultees were made aware of the consultation and given the opportunity and sufficient time to respond.
33. Generally, the responses of other organisations were against the closure of rural schools. Individual responses are set out in paragraphs 8.10 to 8.13. Overall 3023 responses were received from individuals and organisations. The responses are summarised in paragraph 8.10 "*all models included the presumption that some schools would close and it is clear that the results below indicate that in the vast majority of cases there is a preference for no schools to close*". A table at paragraph 8.10 shows that in response to a simple yes/no tick box option between 5% and 7% ticked "yes" to any option whilst between 71% and 77% ticked "no". The summary of the "*main*

responses against the ideas” set out in each model, which constitute a very high majority of responses in each case, are against the closure of rural schools and, for Models A and B, against the closure of Haydon Bridge High School.

34. The feedback from meetings held at individual schools is set out at paragraphs 9 to 9.14. Generally the responses followed the pattern identified above being that school closures were opposed and in particular respondents opposed the closure of their own school or schools.

The rationale for the statutory proposals which emerged

35. The statutory proposals are formulated in the report to Cabinet dated 8 May 2018. Under the heading “*Purpose of Report*”, it states “*This report explains the outcomes of the informal consultation [a reference to the Phase 1 and Phase 2 consultations] about the future of education in the west of Northumberland*”. This report is critical to the process as it represents the point at which the proposals moved from those set out in the consultation to those set out in the statutory proposals. However, as I will explain below, I do not find that the report clearly explains the rationale for the statutory proposals, whether arising from the responses to the consultation or otherwise.
36. The statutory proposals do not follow any of the three models set out in Phase 2 of the consultation. I do not take issue with this in itself. Having consulted, the local authority is not obliged to follow any of the models proposed, but may formulate new proposals, having conscientiously taken into account the responses to the consultation.
37. As published, following agreement by Cabinet on 8 May 2018, and agreed by Cabinet on 10 July 2018 (with one minor variation) the statutory proposals can be summarised as follows. In the Hexham Partnership no changes are proposed. The effect of this is that Hexham will retain a three tier system throughout the partnership. The Haydon Bridge Partnership, already a combination of two and three tier provision, is to become mainly two tier. This would entail the extension of the age range of almost all the remaining first schools, which are to become primaries. The one maintained middle school, Bellingham, is to close and the intake to Year 7 at HBHS is to be increased. The first school and middle school in Haltwhistle are academies and consequently the local authority has no power to decide to close them or to change the age range of the first school.
38. These proposals most closely resemble Model C. They differ from Model C in that HBHS will not become an all-through 4-16 school and Queen Elizabeth High School will not merge with Hexham Middle School to become an all through 9-18 school. Additionally, no first or primary schools will close. The only school closure is of

Bellingham Middle School. I find that the outcome does not differ from the models set out in the consultation to such an extent that the consultation is invalid or that further consultation is required before they can be implemented. However, I consider that where the local authority depart significantly from the proposals on which it consulted, there should be a clear rationale for the altered proposals.

39. The rationale, such as it is, is set out under the heading “*Key Issues*”.

Paragraph 3.4 states:

“3.4 All involved in both phases of informal consultation clearly have the best interests of pupils and families at the heart of their plans. However there was sharp disagreement about how these interests could be best met. It was therefore not possible to gain consensus during the two phases of informal consultation. It is therefore the local authorities [sic] responsibility to provide system leadership in terms of school organisation, through the recommendations set out within this report.

40. This seems to be saying that the local authority, having not achieved a consensus, will proceed with what it considers to be the best course. This is not in itself an invalid approach. As the report states at paragraph 8.10 *“the process was not a referendum, but would involve a detailed analysis of evidence put forward both quantitative and qualitative”*. The requirement is that the local authority, having consulted, conscientiously takes the responses into account when making its final decision as to what to do next.

41. The Cabinet report discusses the consultation process at paragraphs 6 to 6.2.9. Paragraph 6.2.7 sets out the approach to consideration of responses:

“The ‘Guidance for decision makers’ published by the Department for Education in April 2016 (p.4) for those deciding upon prescribed alteration and establishment and discontinuation formal proposals states; ‘ The decision-maker must consider the views of those affected by a proposal or who have an interest in it including cross-LA border interests. The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give greatest weight to the responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).’ Therefore, although Phase 2 represents the informal stage of consultation, while all responses have been taken into account and reviewed, the analysis of feedback has focussed upon the views of key stakeholders– including current parents, governors, headteachers, teachers and pupils. Both quantitative and qualitative methods have

been used in the analysis, and as made clear at all stages this is not a process of voting or a referendum."

I do not take issue with this approach but I have not found any such analysis set out clearly in the body of the report.

42. Paragraph 6.2.8 refers to alternative models as follows:

"consultees were also asked to put forward alternative solutions that they believe could assist in provided viable and sustainable schools in the west for the next 25 years. Many of these alternative models had key similarities and these have been themed; other models which were clearly not linked to others have been commented upon individually. The analysis of these alternative proposals is set out in para. 8 [in fact paragraph 10]. These were looked at in detail and have been used to formulate the proposal that is being put forward in this report".

43. A number of alternative models are set out, together with comments from officers of the local authority, at paragraphs 10 to 10.22. I note that officers endorse only the proposal put forward by staff at HBHS (paragraph 10.4), which supports that school remaining open, incorporating apprenticeship and vocational pathways in post 16 provision. This alternative model, as summarised in the report, does not address the question of whether the Haydon Bridge Partnership should move to a two tier model throughout.

44. The model proposed by Greenhaugh First School governing body does support a two tier model, but across both partnerships. The officers' comment states:

"The above model supports the model proposed for Haydon Bridge High School to remain open, but varies in relation to the age range of the school. However, there has been no support from schools other than those within the HLT [Hadrian Learning Trust] in the Hexham Partnership for a change of organisation to a primary/secondary structure; the overwhelming majority of feedback from other consultees linked with the Hexham Partnership has also been in favour of retention of the 3-tier system, while a significant number of consultees linked with the Haydon Bridge Partnership feel that there should be a high school in Haydon Bridge".

It is correct to say that the responses to consultation did not support a move to a two tier model in the Hexham Partnership. However, it would also be true to say that the responses did not support a move to a two tier model across the Haydon Bridge Partnership. The responses did not support a mixture of two and three tier provision across the two partnerships. The responses did support a high school remaining in Haydon Bridge and this, of course, is possible within either a two or three tier pattern or provision.

45. The “key issues” section continues:

3.5 The Council has a duty to support schools to improve standards, support continuity of education, ensure sufficiency of school places within Northumberland and smooth transition of pupils between schools.

46. That is correct, but how the recommendations in the report achieve these aims is not made clear. The paragraph continues:

“It has also been asked by the RSC to ascertain the viability of Haydon Bridge High School. Therefore, the Council has an obligation to put forward a model for the school for the future upon which the RSC can decide.”

I am not clear what this means. The local authority had an obligation to respond to the RSC regarding the viability of HBHS. It did not have an obligation to the RSC to put forward any particular model and had no obligation to the RSC to put forward a model for keeping HBHS open. Presumably the reference to “a model...upon which the RSC can decide” is a reference to the Secretary of State’s “power to require the Council to carry out the necessary processes to close the school”.

47. Paragraph 3.6 continues:

“Officers have concluded that the establishment of a primary-secondary model across the whole of the Haydon Bridge Partnership, necessitating the closure of Bellingham Middle school and the extension of age ranges of the remaining First schools would be in the best educational interests of the current and future pupils in that area”.

48. Why this is in the best educational interests of pupils is not explained. It cannot be because a two tier system is considered better than a three tier system. The three tier system has been preserved in the Hexham Partnership and nothing is said to suggest, let alone demonstrate, that a two tier system is better in Haydon Bridge but not in Hexham. The local authority have said that it does not have a policy of moving to a two tier system across the county. I do not take a view on the relative merits of a two or three tier system. However, if it is not because a two tier system is perceived as better educationally generally or better for Haydon Bridge for some unspecified reason (which if it exists I cannot take into account as it is unspecified), then what makes it “best” is not clear.
49. My interpretation of the responses to the consultation is that two clear views emerge from a majority of the responses. First, the great majority of those responding are against the closure of schools,

whether first, primary, middle or high schools. This is what one would expect and it must be an outcome that could have been predicted before the launch of the consultation. One might have expected less resistance to the proposed closure of HBHS, given the school's recent difficulties, and the high numbers of parents living within the HBHS catchment area who choose to send their children to other schools. A number of respondents did support models which involved the closure but in my view it is likely that many did not as there is an understandable wish not to explicitly support the closure of a school. I do also acknowledge that there was strong express support for HBHS, and this was also apparent from the responses to the consultation and from parents I met at the public meeting I held at Bellingham Middle School. A number of parents also made it clear that they would prefer their children to go to Queen Elizabeth High School.

50. Second, many respondents did not support a mixture of two and three tier provision. This was so across both partnerships. Respondents did not support the current mixture of two and three tier provision within the Haydon Bridge Partnership and also did not support the proposed mixture of two and three tier provision between the two partnerships. The responses in respect of the Haydon Bridge Partnership did not expressly support the introduction of two tier provision across that partnership. Some schools in both partnerships indicated that they would be able successfully to become primary schools but this was more in the context of their own viability than any positive support for a two tier system.

51. Paragraph 3.6 continues:

“The introduction of one system of school organisation will enable primary schools to have larger cohorts of pupils in Years 5 and 6 and enable Haydon Bridge High School to have larger cohorts in Years 7 and 8. The Council however only has the powers to propose the closure of maintained schools and therefore has not control over.[sic]”

52. The first schools had no Years 5 and 6 and so will have more pupils as primary schools, but not larger cohorts. HBHS has had Years 7 and 8 since 2014, and the small numbers entering the school in Year 7 may be increased by the changes proposed.

53. The second sentence is incomplete. Presumably it would have continued to say, correctly, that the local authority cannot propose the closure of Haltwhistle Middle School or an extension of the age range of Haltwhistle First School because they are academies. This means that were the proposals to be implemented in full there would still be a middle school and a first school in Haltwhistle, leaving a mixture of two and three tier provision in the Haydon Bridge Partnership. Although this aspect of the situation is beyond the local

authority's control the outcome is that a complete two tier system across the Haydon Bridge Partnership would not be achieved.

54. The recommendations to Cabinet are set out in paragraph 2, sub-paragraphs a) to l). The first of these, *"to keep Haydon Bridge High School open as an 11-18 secondary school"* does not refer to the responses to consultation or to the *"external factors"*. Paragraph 3.11 does refer to the consultation with regard to this aspect of the proposals, stating: *"the conclusion of this informal consultation is that it is recommended to Cabinet that a secondary school in Haydon Bridge is necessary to preserve choice for parents and children"*. There was significant support in the responses for keeping HBHS open, although, as I have noted above, there was significant support for keeping all schools open.
55. Sub-paragraph d) deals with the extensions of age range of the first schools in the Haydon Bridge Partnership, and states *"in the light of the feedback from consultation set out in this report and any recommendations from the Family and Children's Services Overview and Scrutiny Committee whether to permit the publication of statutory proposals setting out the intention of the County Council to implement the following proposals"*. It does not explain how the responses to the consultation led to these recommendations. The responses, on my reading of the report, do not generally support this change.

The extent to which the "external factors" are met by the statutory proposals agreed by Cabinet on 8 May 2018

56. The Phase 1 consultation identifies a number of pressures on school organisation in the west of the county. This list of factors has been set out again (in varied forms) in the Phase 2 consultation document and in the report to Cabinet for 8 May 2018. The issue of surplus places was raised from the beginning of the process but became more pressing during the consultation period as the local authority received a letter from the Education and Skills Funding Agency, dated 16 March 2018, requiring it to take action to reduce surplus places. The issues at d. and g. below are omitted from the list in the 8 May 2018 and 10 July 2018 Cabinet papers, which also add to the list the complexity and cost of transport given the rural nature of the area. Under each *"external factor"* below I have set out briefly the current position with regard to each.
57. ***"The withdrawal of the Bright Tribe Trust as the proposed sponsor of Haydon Bridge High School and the subsequent letter from the Regional Schools Commissioner asking the Local Authority to assess if the school is viable in the long term"***

The future of HBHS remains in doubt. This is discussed in more

detail elsewhere in this decision. The proposals do support the viability of HBHS by potentially increasing the intake in Year 7.

58. ***“The consultation of Hadrian Learning Trust (QEHS) on the potential for it to become an age 11-18 academy and the impact this will have on middle and first schools”***

The Hadrian Learning Trust decided not to pursue their proposal for an 11 to 18 secondary school, because the local authority recommended (and have subsequently approved) maintaining a three tier system in the Hexham partnership area. They say in their report following that consultation that

“Having carefully considered responses to our consultation, we remain of the view that a Primary-Secondary arrangement would be in the best interests of the children who progress through the school system to be educated at Queen Elizabeth High School.

However, the Council’s report on its own consultation states that it cannot recommend a change to a Primary-Secondary system in the Hexham Partnership at this time. We assume this recommendation will be accepted.

In the view of the Trust, this is a unique opportunity missed and fails to meet the strategic challenges set out in the Council’s Phase One Consultation.

It is wholly inconsistent for the Council to conclude that a Primary-Secondary model would be in the “best educational interests of the current and future pupils” in the Haydon Bridge area and not apply the same logic to the Hexham area”.

59. ***“The financial difficulties forecast by the vast majority of schools in the west”***

The only proposed school closure is Bellingham Middle School. It is not clear how these changes are to provide an answer to the financial difficulties of the other schools. The Cabinet report dated 10 July 2018 does not specify how this will be achieved, but refers to a “*proposed resilience programme to support small schools in both the Haydon Bridge and Hexham Partnerships*”. The resilience programme is explained further in the report (paragraph 8) as “*establishing hard federations or multi-academy trusts to support the schools to have the capacity to become financially and educationally viable in the long term*”. This is a generic model for improving the financial viability of small schools. It is not made clear how, if at all, the effectiveness of the resilience programme depend on moving the Haydon Bridge Partnership closer to a two tier system and the consequent closure of Bellingham Middle School.

60. ***“The introduction of the National Funding Formula, based upon assumptions of large pupil numbers in primary schools and an 11-18 model of secondary education”***

An 11–18 model of secondary education is only proposed for the Haydon Bridge Partnership. The three tier model has been retained in the Hexham partnership. I infer from this that the introduction of the National Funding Formula has not been considered a critical criterion.

61. ***“The significant over-capacity of school places in the west of the county”***

The report to Cabinet dated 8 May 2018 states that *“there is significant over-capacity of school places in the west of the county. In total, there are 6,942 places available in schools in the Hexham and Haydon Bridge Partnership areas, with 4,896 pupils on roll in those schools. This represents 30% surplus places across the combined partnerships...If the proposed model for Haydon Bridge Partnership was implemented, it is estimated the surplus places would be reduced by 645”*.

62. In response to my request for an explanation of this figure the local authority responded:

“As a result of the proposed closure of Bellingham Middle School and Sports college, the reduction of the Planned Admission numbers (PAN) at Haydon Bridge High School and the rationalisation of its buildings, as well as the reduction in the PANs at Wark CE First School and Otterburn First School, 445 places would be removed from the partnership. The removal of the sixth form at Haydon Bridge High School had also been considered as an option when assessing feedback from the Phase 2 consultation, and it appears that the figure of 645 places includes sixth form numbers and should have been subsequently corrected.”

63. The report to Cabinet dated 10 May 2018 states at paragraph 17.8 *“The proposals set out in the Statutory Proposal...would remove around 260 surplus places”*. The minutes of that meeting put the figure at 250. This does not seem to me to represent a significant reduction in over 2,000 surplus places, such as was envisaged by the consultation documents.

64. ***“The need to ensure our school buildings are of top quality and invest in resources to meet the needs of the new curriculum”***

The overall proposals do include significant capital funding for schools in the west of the county and in Hexham. Paragraph 30 of the report (beginning on page 23, there is another paragraph 30 on page 25) identifies an overall capital investment of £5.1m in schools

in the Haydon Bridge Partnership. The principal funding source is identified as the Council's Medium Term Plan (£3.1m) and the School's [sic] Capital Investment Programme (£2m). This money is not produced by savings or capital generated by the changes set out in the proposals. No savings are identified as a result of the proposals and no capital funds are said to be generated. The Cabinet paper dated 8 May 2018, at the end of paragraph 23 refers to "*potential for the release of school sites*"; however, in response to my query the local authority stated "*Whole school sites would not be released onto the market, however there are ongoing discussions with the Haydon Bridge High School I.E.B. to release parts of the school site as part of the rationalisation of buildings*". The local authority did not specify what capital receipts, if any, might be generated by this release. There are also proposals to invest approximately £45 million in creating new school buildings to house Hexham Middle School and the Queen Elizabeth High School.

65. The sum of £3.1m is proposed for Bellingham Primary (as it would be) for internal refurbishment to include relocation of the Children's Centre into the main building to give 0-11 provision in one building. The Cabinet report, at paragraph 20. 1) states that this "*would also give the opportunity to have enhanced facilities provide [sic] art/technology and community spaces that could be used by all schools to deliver an enhanced primary curriculum*".
66. It is not expressly stated in the report but I accept that the proposals are expected to increase the intake at HBHS, so supporting the school's financial viability.
67. ***"The need to provide excellent provision for the most vulnerable and those with special educational needs"***

The Cabinet report dated 10 July 2018, at paragraph 25, refers to special educational provision under the proposed changes. This states "*Current SEN provision at the first schools proposed to become primary in the Haydon Bridge Partnership would not be affected by the implementation of the proposed recommendations*". It goes on to say that some pupils with SEN currently on roll at first schools proposed to become primaries "*could benefit by staying longer in those schools and having only one transfer at age 11*". It also states that "*pupils who would otherwise have remained at Bellingham Middle School would have a specific transition plan drawn up to assist them with transfer to other schools*". The potential benefits identified seem to me to be incidental to the changes proposed. As noted above this point is omitted from the summary of reasons for commencing the consultation process set out in the Cabinet report dated 10 July 2018. I do not find that the proposals approved by Cabinet on 10 July 2018 directly address this issue.

68. For the reasons set out above it is not clear to me how the statutory proposals agreed by Cabinet on 8 May 2018 are derived from the “*external factors*” or from the responses to the consultation. I accept that one can draw the conclusion from the responses to the consultation that there was little support for the change to a two tier system in the Hexham Partnership. I can also see that one can draw from the responses the conclusion that many of those responding wanted there to be a high school in Haydon Bridge. I do not see that one can draw the conclusion from the responses to consultation that there was significant support for a further move towards a two tier system across the Haydon Bridge Partnership, whilst maintaining a three tier system in the Hexham Partnership.
69. In the absence of any clear analysis of this point in the report I infer that the key driver for the extension of the two tier system in the Haydon Bridge Partnership was the viability of HBHS, one of the “*external factors*” set out above. As is stated in paragraph 3.6 of the report “*The introduction of one system of school organisation will... enable Haydon Bridge High School to have larger cohorts in Years 7 and 8*”. The rationale appears to be that a move to a two tier system (necessitating the closure of Bellingham Middle School) will mean that pupils from across the Haydon Bridge Partnership will transfer to HBHS in Year 7 so increasing the numbers attending that school and, as pupil numbers are the primary source of school funding, adding to the future viability of the school.
70. The Cabinet report states at paragraph 3.11, the concluding paragraph of the section headed “*Key Issues*”: “*the conclusion of this informal consultation is that it is recommended to Cabinet that a secondary school in Haydon Bridge is necessary to preserve choice for parents and children. Officers of the Council will work with the newly formed IEB, feeder schools, education leaders, staff, pupils and parents and the community to put in place a resourced plan in order to support the school through transition towards becoming a good school for at least 3 years until it becomes educationally and financially viable*”. This gives rise to two issues which I will consider in more detail below. First, whether HBHS will be educationally and financially viable in three years time and, secondly, whether the proposals do “*preserve choice for parents and pupils*”.

The statutory notice and the Cabinet meeting at which the proposals were approved on 10 July 2018

71. The recommendations set out in the Cabinet report dated 8 May 2018 were accepted by Cabinet and the necessary statutory notices were published on 10 May 2018. The notice meets the requirements of the relevant statutory provisions (subject to some errors which I will discuss below). I am satisfied that the notices set out the proposals in detail and were published and displayed as required. The notices allowed for the submission of objections and comments

(what the law refers to as “representations”) on the proposals within four weeks of the date of publication, as required, and clearly set out the address to which objections and comments could be sent.

72. Parents have pointed out to me that the four week period for submission of objections and comments included the week long summer half term holiday. I do not find that this invalidated the process, a large number of comments and objections were received and there were additional opportunities to make comments and objections when the proposal to close Bellingham Middle School was referred to me. I am satisfied that all those who wished to comment or object have had the opportunity to do so.
73. The proposals refer twice to Bellingham Middle School as a community school. It is in fact a foundation school and so not a community school as school categories are mutually exclusive. It is also described as a community school in consultation documents and Cabinet reports. This is important as a referral to the Adjudicator may be initiated by the governing board of a foundation school but not by that of a community school. The Cabinet paper dated 10 July 2018 (paragraph 5) gives a list of those who may “*appeal*”. This list does not include the governing board of Bellingham Middle School, probably because if it was a community school the governing board would not have a right of “*appeal*”. The local authority have confirmed that this was an officer error. In the event the governing board were able (after contacting the Office of the Schools Adjudicator for clarification) to request that the local authority refer the proposal to close Bellingham Middle School to me and so I have been able to exercise my jurisdiction. As no prejudice has ultimately arisen from this error I do not consider that it invalidates the statutory notice.
74. I have also pointed out to the local authority that formal statutory notices were not required for the change of age range at Bellingham Middle School and for the enlargement of premises at Otterburn First School and Greenhaugh First School. I accept that the local authority would have drawn attention to these proposals in the statutory notice in any event and that no prejudice arose from this oversight. Again I do not find that this invalidates the statutory notice.
75. The responses to the statutory notice demonstrate that the first schools are largely in favour of becoming primaries, with a number stating a preference for remaining as first schools. A number of the first schools wished to bring forward the date for becoming primary schools to September 2018. Parents of pupils at Bellingham Middle School and other supporters of the school are strongly against closure.

The guidance for decision makers

Factors relevant to all types of proposals

76. As explained above my jurisdiction requires me to make a decision on the proposal to discontinue (close) Bellingham Middle School. In doing so I have had regard to the relevant statutory guidance, particularly the “Guidance for decision-makers” dated April 2016. I will consider the relevant points in that guidance in the paragraphs below.
77. The first issue to consider is set out on page 4 under the heading “Main Points”. This reads:
- “The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. The decision-maker must consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s)”.*
78. I am satisfied that the appropriate consultation has been carried out. I am also satisfied that the proposer has given consideration to all the responses received. For the reasons set out above I am not wholly satisfied that the rationale for the statutory proposals which emerged has been clearly explained. I have given appropriate weight to the responses, including those of parents of children at the affected school. I will refer to those responses in my consideration of each point in the paragraphs below.
79. **Related Proposals.** The proposals set out in the statutory notice are stated by the local authority to be related. However, the referral to me is solely on the proposal to close Bellingham Middle School. The statutory provisions do not provide for the other proposals to be considered by me. Consequently I cannot consider the other proposals afresh and make a decision regarding them. However, I can, and do, consider the proposal to close Bellingham Middle School in the context of the other proposals.
80. **Education Standards and Diversity of Provision.** The local authority set out concerns that the standards of secondary education in the Haydon Bridge Partnership are not high. Haltwhistle Middle School was judged by Ofsted to be “Inadequate” in 2015. The most recent monitoring visit, in March 2017 (prior to academy conversion) stated “*Leaders and managers are taking effective action towards the removal of special measures*”. Bellingham Middle School was judged by Ofsted as “*Requires Improvement*” following an inspection

in May 2017. The school was previously found to be “Good” following inspection in 2012. However, the 2017 report identifies a number of areas where improvements are taking place. Overall the picture in the report is not nearly as bleak as it is in the 2018 report on HBHS. The numbers entering Bellingham Middle School are low. The PAN for the school is 60. 36 pupils entered Year 5 in September 2017 and in September 2018 21 pupils started in Year 5. This is significantly below PAN but it is likely that the 2018 figure is lower as a result of the proposal to close the school.

81. **Equal Opportunities Issues.** The report to Cabinet dated 10 July 2018 has appended an Equalities Impact Assessment. I am satisfied that there are no sex, race or disability discrimination issues that arise from the proposal to close Bellingham Middle School.
82. **Community Cohesion.** I am satisfied that the proposal will not have a negative impact on the provision for young people to develop an understanding of, and respect for, other cultures, faiths and communities.
83. **Travel and accessibility.** Travel has been one of the dominant concerns expressed by parents and schools in responses both to the informal and formal consultation. Some children already have very long journeys to Bellingham. The journey to Haydon Bridge would be even further and would take significantly longer. Children from Year 9 onwards would have to undertake this journey in any event, and the closure of Bellingham Middle School would not affect this. However, the closure would mean children making the longer journey two years earlier and so two years younger. There is a general acceptance that the younger a child is the less the distance and time that it is reasonable to spend on journeys to and from school.
84. The statutory “*Home to school travel and transport guidance*” states “*Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes, but these should be regarded as the maximum*”. The children affected by this aspect of the proposal will all be of secondary school age. The local authority states that the current longest journey time to HBHS is 80 minutes, five minutes above what is to be regarded as a maximum. Parents say that some journeys for children currently attending Bellingham Middle School will be longer than this. It is accepted by parents that journeys to high school will inevitably be long. Their main concern is that the closure of Bellingham Middle School would mean their children undertaking these very long journeys two years earlier. In the past the issue of long journeys for children in Years 9 to 13 was addressed by the provision of weekday residential arrangements at HBHS but this has now been closed.

85. The local authority reasonably points out that children will remain at their more local first schools (become primary schools) for two further and so will have shorter journeys in Years 5 and 6. I accept that this may be an advantage for the younger children but consider that the extended journey times for children in Years 7 and 8 are a legitimate cause for concern.
86. **Funding.** I am satisfied that the necessary funding for the proposal will be available.
87. I have considered the other factors set out in the guidance under this heading but do not find that they are relevant to my decision.

Factors relevant to discontinuance (closure) proposals

88. **Closure proposals.** I am satisfied that there are sufficient places available to accommodate displaced pupils. HBHS is undersubscribed and, should Bellingham Middle School close, that there would be places available in Years 5 and 6 at Bellingham First School (becoming primary) or at HBHS.
89. However, I am required to take into account “***the overall quality of provision, the likely supply and future demand for school places***”. I am not satisfied that the overall quality of provision is secure. HBHS has required special measures since 2014. I have summarised the history above. The latest Ofsted inspection was in March 2018. I note that it was not referred to in the Cabinet report dated 8 May 2018. Although I accept that the Ofsted report was not published until 24 May 2018, officers would have been aware of the likely outcome even if that knowledge could not be shared publicly until publication. I am concerned by the lack of any reference to the report in the Cabinet report dated 10 July 2018. The reference to Ofsted reads “*Haydon Bridge High School has had a poor inspection record over recent years and is currently judged to be an Inadequate school by Ofsted*”.
90. The whole report is available online. The introduction to the full report reads:
- “In accordance with section 44(1) of the Education Act 2005, Her Majesty’s Chief Inspector is of the opinion that this school requires special measures because it is failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school”.*
91. The section on outcomes for pupils reads:
- “Outcomes for pupils Inadequate**
- *Published performance information for pupils at the end of key*

stage 4 shows that in 2016 and 2017 pupils' progress was significantly below the national average in a wide range of subjects, including in mathematics, languages and humanities.

- *Disadvantaged pupils make far less progress than other pupils do nationally. Outcomes for disadvantaged pupils in 2016 and 2017 were well below average, including in mathematics, science and humanities. The school's own analysis demonstrates that wide differences in performance remain between disadvantaged pupils and their peers.*
- *Over time, the progress made by pupils who have SEN and/or disabilities has been weak. Current pupils who have SEN and/or disabilities continue to make poor progress because the pupil information leaders share with teachers is too generic to inform planning to meet their individual needs effectively.*
- *Current pupils' progress in mathematics is extremely poor. Teachers' assessment does not identify when pupils do not understand a concept. For example, one pupil left a message for the teacher by writing: 'I am guessing. I can't do it.' This is not recognised or addressed successfully by staff. Consequently, pupils continue to make the same mistakes over a long period of time.*
- *The vast majority of Year 11 pupils and post-16 students successfully advance to the next stage of their learning or into employment as a result of effective careers education. Published figures do not fully reflect this positive picture, because a small number of learners do not progress and cohort sizes are small."*

92. The local authority have supplied data (not yet validated) which demonstrates that the outcomes for 2018 at HBHS have improved. The IEB in place at the time of the Ofsted inspection in March 2018 has resigned and in its place is an IEB appointed by the local authority. The sustainability of HBHS was raised at the Cabinet meeting on 10 July 2018. The relevant passage reads:

"Councillor Jackson asked for more information about the sustainability of Haydon Bridge High School which was central to the offer of secondary education in the area... Dr Johnson replied that there had been a remarkable transformation at Haydon Bridge High School since it had been taken under the wing of the Authority, with many improvements being made. He was optimistic about its prospects, but suggested the question be asked again in six months and a year when further results were out".

93. I agree that it is too early to say whether HBHS is sustainable in the long term. There has not yet been any objective verification of improvements to the school, such as a monitoring report from a

special measures monitoring inspection by Her Majesty's Inspectors. If the school does not improve sufficiently the local authority, in response to my enquiry, state the future position as follows:

"It is the Council's understanding in relation to the DfE's 'Schools Causing Concern' guidance that should an appropriate sponsor not be identified for HBHS after 3 years, then this would be more than likely due to the school being deemed unviable. If this were the case, then we would expect the Secretary of State to use his/her powers to revoke the academy order and require the Council to carry out the necessary processes to close the school and make suitable, alternative provision for students in the greater Haydon Bridge catchment area".

94. I note that this is a reference to a **further** three years, as the school has already been in special measures for a number of years. I find that it cannot be said with any confidence that the quality of provision at the school will improve significantly. I also find that the school's future is not secure and consequently that the future supply of school places for pupils displaced by the potential closure of Bellingham Middle School is not secure. This raises a worst case possibility of a child who has transferred from his or her first school to Bellingham Middle School, then moving, if Bellingham Middle School closes, to HBHS and, if that school does not improve sufficiently and closes, moving again to some other secondary provision. If HBHS closes in future the provision will not meet the demand for school places.
95. The Guidance continues "*The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools*".
96. The Guidance does not expressly refer to parental preference and to choice of provision. However the proposals overall, including the proposal to close Bellingham Middle School, will have an impact for parents in terms of their preferences for secondary education. The local authority state that the statutory provisions allowing parents to express a preference for a school of their choice are unaffected by the proposals. However, in practice the effect is significant. For most parents in the Haydon Bridge and Hexham Partnerships the choice has been between HBHS and Queen Elizabeth High School. The current position, prior to the implementation of these proposals, is that most pupils transfer to high school from a middle school, although since 2014 some pupils in the Haydon Bridge Partnership have attended primary schools and so have transferred in at the end of Year 6.
97. Queen Elizabeth High School was judged by Ofsted to be "*good*" prior to its conversion to academy status in 2016. Its results show a higher performance in terms of exam results in Year 11, compared

to HBHS. Queen Elizabeth High School is viewed as providing a more academic educational offer.

98. Many responses to Phase 2 of the consultation, and the alternative models proposed (including the model proposed by HBHS and supported by local authority officers) support a more vocational focus at HBHS. If parents from either partnership could express a preference for either school, with the same or a similar chance of having that preference met, this would provide a welcome and real set of alternatives. However, Queen Elizabeth High School is oversubscribed and a higher priority in the oversubscription criteria for admission to the school understandably goes to those within the Hexham Partnership. In addition children in the Haydon Bridge Partnership will, if the proposals are fully implemented, move to secondary education at a different point in their school careers to those in the Hexham Partnership. Parents whose children attend a first school (become primary) in the Haydon Bridge Partnership would have to move their children to a middle school in the Hexham Partnership part way through their primary schooling or send their children to HBHS for Years 7 and 8 before seeking to transfer them (outside the normal admission round) to Queen Elizabeth High School at the end of Year 8, which would only be possible if there were places available. The effect of these proposals, maintaining a three tier system in the Hexham Partnership and introducing a two tier system right across the Haydon Bridge Partnership, is that secondary transfer is no longer synchronised. Pupils in the Hexham Partnership transfer to middle school at the end of Year 4 and to Queen Elizabeth High School at the end of Year 8. Pupils in the Haydon Bridge Partnership, if these proposals are implemented in full, will transfer to HBHS at the end of Year 6.
99. The local authority is correct in saying that parents will have the right to express a preference for either school but in practice many if not all children in the Haydon Bridge Partnership will find it difficult to have a preference for Queen Elizabeth High School met. The two tier system in one partnership and the three tier system in the other may make transfer between the two difficult and disruptive. In addition the local authority's transport policy means that parents living in the Haydon Bridge Partnership catchment area, and who live closer to HBHS, would not be eligible for free transport to Queen Elizabeth High School. For parents who do not have the resources to provide transport themselves, this may mean that taking up a place, even if one was offered, at Queen Elizabeth High School would be impractical. The overall effect of this may be that children in the Haydon Bridge Partnership are channelled into high school provision at a school with a more vocational curriculum which has been performing poorly and which remains threatened with closure. I do not accept the statement at paragraph 20, 3) of the Cabinet report dated 10 July 2018 that "*parental choice to move children between schools is not affected*".

Rural schools and the presumption against closure

100. Bellingham Middle School is a “*middle school, deemed secondary*”. It is not a designated rural primary school and consequently is not a rural primary school for the purposes of s15 (4) of the Education and Inspections Act 2006. However the Guidance states:

“For secondary schools, the decision-maker must decide whether a school is to be regarded as rural for the purpose of considering a proposal. In doing so the decision-maker should have regard to the department's register of schools – EduBase [now called “Get information about schools”] which includes a rural/urban indicator for each school in England”.

That indicator states for Bellingham “*rural village in a sparse setting*”. Consequently the school is to be regarded as rural and that whilst the presumption against closure is not set out in statute it arises through the statutory guidance.

101. Parents and other supporters of the school have expressed concerns about the impact of closure on the local community. Many are concerned that closure will deter families with children from moving to or remaining in the area. I find that this concern is to a large extent mitigated by the overall proposals which would see the expansion of the first school by two additional years and the continuation of the Children’s Centre. The village would lose provision for Years 5 and 6 which will have some impact, but it will not lose school provision for Reception to Year 6 and so the potential for provision of local community services will largely remain. The transport implications are more serious and are discussed elsewhere in this decision.
102. Overall I find that the rural nature of Bellingham Middle School is not in itself a reason to decide that it should not close. Transport provision remains a concern as set out above.
103. **Early years and nursery provision, and the balance of denominational provision** are not affected by the potential closure. For the reasons set out in my discussion of rural school issues above I do not consider that, save for transport issues, the effect on community services is sufficient to make that, in itself, a reason to decide the school should not close.

The implications should Bellingham Middle School not close

104. I am aware that a decision not to approve the closure of Bellingham First School will have broader implications. The local authority have indicated in a letter to parents that they will nevertheless implement the proposals to extend the age range of the maintained first schools in the Haydon Bridge Partnership, making those schools primaries. This will leave an anomalous situation in which there remains a

middle school amongst primary schools. This may result in a reduction in the intake to the school with a consequent adverse impact on the school's funding. I was told by the Chair of Governors that the school is financially viable for at least three years. I note however that the proposed conversion of the Haydon Bridge Partnership to a two tier system is incomplete in any event. The first and middle schools in Haltwhistle are academies and will not change as part of these proposals. The local authority have indicated that the Wise Academy Trust, which have recently taken on both these schools, are considering changes that will bring those schools into line with a two tier system but no changes are currently formally proposed.

105. I also note that the proposals for the Bellingham First and Middle School site, set out in the Cabinet report dated 10 July 2018 as follows:

“it is proposed that North Tynies Children’s Centre would move into the main school buildings in Bellingham, thereby creating an 0-11 educational offer from one building in the village. It is also proposed that that a technology and art provision be creating [sic] in the Bellingham school building that would be open to the whole Haydon Bridge Partnership of schools and the local community. It is further proposed that Bellingham Primary School (as it would become) would retain the current first school hall for its own use, while the current hall used by Bellingham Middle School would be open to use by the community and the wider partnership, thereby enhancing the facilities available to all stakeholders in the area”.

106. The local authority estimate the cost of these works to be £1.3 million. In light of my decision to reject the proposal to close Bellingham Middle School these plans may be disrupted. It will be for the local authority to decide how to progress these plans. I do not find that the potential disruption to these plans is sufficient reason to approve the proposals.

Conclusion

107. I have found that the overall proposals do not address to any great extent the “external factors” identified by the local authority as prompting the proposals for school reorganisation in the west of Northumberland. The response to the informal consultation showed opposition to school closures, including opposition to the closure of HBHS. The response did show support for a single system, of either two or three tiers of educational provision and did not show support for mixed provision across the two partnerships.
108. The closure of Bellingham Middle School will displace pupils who will, in many cases, attend HBHS. HBHS is currently judged by Ofsted to be inadequate and it is too early to say whether measures to secure its improvement will be effective. Parental choice will be

restricted by a system which would have two tier provision feeding into a more vocational offer at Haydon Bridge alongside three tier provision feeding into a more academic offer at Queen Elizabeth High School. Pupils will face a longer journey to school, in some cases in excess of the maximum recommended by guidance.

109. Although my rejection of the proposal to close Bellingham Middle School may lead to difficulties in the implementation of the other proposals, and of plans for investment in schools, I consider that the local authority has a wide range of options and will be able to take steps to ensure that the best possible educational provision is made for pupils in the west of Northumberland.
110. Having had regard to the Guidance and for the reasons set out above I reject the proposal to discontinue (close) Bellingham Middle School.

Dated: 13 November 2018

Signed:

Schools Adjudicator: Tom Brooke