



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: STP624

Proposal: To discontinue Murston Nursery and Infant School and Murston Junior School and establish Murston Primary School

Proposer: Kent County Council

Date of Determination: 28 October 2015

Determination

Under the power conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Murston Nursery and Infant School and Murston Junior School, two community schools in Sittingbourne, with effect from 31 August 2016; and to establish Murston Primary School, a community primary school, on 1 September 2016.

The referral

1. Kent County Council (the local authority) wrote to the Office of the Schools Adjudicator (OSA) on 12 October 2015 seeking a decision on its proposals made under sections 15 and 11 of the Education and Inspections Act 2006 (the Act) for consideration under Schedule 2 to the Act. The proposal is to discontinue two community schools, Murston Nursery and Infant School (the infant school) and Murston Junior School (the junior school) on 31 August 2016 and to establish Murston Primary School as an all-through community primary school and maintained nursery unit for pupils aged 3 to 11 years, commonly known as an amalgamation, within the existing premises of the schools on 1 September 2016.

Jurisdiction

2. Under section 15 of the Act, local authorities may publish proposals to discontinue schools. Under section 11 (A3) a local authority may publish proposals for the discontinuance of an infant and junior school (the schools) and the establishment of a new primary school to replace those schools. When local authorities use these powers, the admission authority is the local authority and the Schools Adjudicator is the decision maker.

3. Having carried out the appropriate consultation, the local authority formally published statutory notices on 9 September 2015. The notices were in the form required by the Act, to discontinue the schools on 31 August 2016 and to establish a

new community primary school on 1 September 2016. The notices met the requirements of Schedules 1 and 2 to the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013, (the Regulations). No representations were received during the statutory four week statutory consultation period, and the local authority forwarded the information specified in sections 15 and 11 of the Act to the OSA for a decision.

4. I am satisfied that this proposal has been properly referred to me in accordance with Schedule 2 to the Act and that I have jurisdiction to determine this matter.

Procedures

5. In considering this matter I have had regard to all the relevant legislation and guidance. I have considered all the papers put before me, including the following:

- a) the formal request by the local authority on 12 October 2015 for a decision on the proposal, together with the following attachments:
 - the minutes of the meeting of joint governing bodies held on 20 May 2015;
 - a copy of the letter of agreement from the chair of governors of the infant school ;
 - a copy of the letter from the chair of governors of the junior school also confirming agreement;
 - a copy of the complete proposal;
 - a copy of the consultation documentation;
 - the equality impact assessment document;
 - the public notice published on the local authority's website and also available on the websites of both schools;
 - reports to Kent County Council's Education and Young People's Services Cabinet Committee and the cabinet member;
 - a report from the local authority's school improvement adviser;
 - the record of decision by the cabinet member; and
 - site plans for the infant and the junior schools;
- b) a copy of the statutory notice published in the "Sittingbourne News Extra" on 9 September 2015, and a letter of confirmation from the local authority that no representations were received in response to the statutory notice;
- c) the responses to the pre-statutory proposal consultation process received by the OSA on 14 October 2015;
- d) a response to my request for further information from the Diocese of Canterbury on 20 October 2015 including a copy of SI 1998 No 3268, the Order associated with the lease of part of the infant school;
- e) an email response from the infant school on 22 October 2015;
- f) an email response from the chair of governors of the junior school on 22 October 2015;
- g) a response to my request for further information from the local authority on

26 October 2015; and

h) the most recent Ofsted inspection reports for each of the two schools.

The Proposal and Background Information

6. The infant and junior schools are two separate community schools serving the Murston Ward of Sittingbourne in Kent, and are situated on adjacent sites. Each of the schools has a published admission number (PAN) of 45 and the local authority describes both schools as popular. The local authority confirms that the schools work closely together and have an admission link which means that children attending the infant school are given priority for admission to the junior school.

7. The proposal is to discontinue the infant and junior schools on 31 August 2016 and to establish on 1 September 2016 an all-through primary school providing 315 places for children aged 4 to 11 years with 26 full-time equivalent places in a maintained nursery unit for children aged 3 to 4 years. The new primary school would also have a PAN of 45 for the Reception Year (Year R) and would open in the existing accommodation of both schools.

8. The proposal is in accordance with local authority policy as set out in the "Commissioning Plan for Education Provision in Kent 2015-2019" which states "*when the opportunity arises, the local authority will consider the possibility of either amalgamation of separate infant and junior schools into a single primary school; or federation of the schools*". Currently there is an acting headteacher in post at the infant school, and as the infant and junior schools work closely together with some governors being on the governing bodies of both schools, the governing bodies saw this as an opportunity to review the leadership and governance arrangements of the schools, and to explore the option of amalgamation, which they saw as "*the natural progression which will secure benefits for staff and pupils.*"

Objections

9. The statutory public notice was published on 9 September 2015 and the notice period ended on 8 October 2015. No representations or objections were received by the local authority which is the proposer.

Consideration of factors

10. I have considered the proposal afresh taking account of the relevant statutory guidance and of the arguments put to me by the local authority as proposer.

Standards of education

11. The infant school was inspected in January 2013 and judged as good by Ofsted. Key findings of the report include that "*senior leaders have succeeded in improving teaching and pupils' achievement and governors give good support to these priorities; pupils benefit from high levels of care so they behave well, like attending and learn better; pupils whose circumstances make them vulnerable and those who find learning difficult are particularly well supported; and teaching is typically good through the school.*" The report says that the school is not yet

outstanding because *“pupils’ spelling skills vary and the range of words they use to write stories or factual accounts is sometimes limited; they do not always speak clearly or use interesting words to express themselves; and not all teaching is yet at the level of the very best.”*

12. The local authority’s school improvement adviser produced a report on standards and improvement at the two schools, including pupils’ outcomes for July 2015 from which I note that the infant school *“can demonstrate good progress for all learners from their starting points.”*

13. The junior school was judged to require improvement by Ofsted in December 2014. The subsequent monitoring visit conducted by Ofsted in February 2015 found that *“senior leaders and governors are not taking effective action to tackle the areas requiring improvement”* and said that planning should be simplified to *“sharply focus actions, monitoring and evaluation”* to bring about the required improvements, and that *“clear and regular systems”* were needed for *“senior leaders and governors to check whether the actions taken are having the desired impact on pupils’ learning and development.”* However, it was also made clear that *“the Headteacher and staff are working hard to bring about improvements and there are some aspects where the actions taken are beginning to make a positive difference.”*

14. From the report by local authority’s school improvement adviser I note that the July 2015 pupils’ outcomes indicate that attainment at the junior school has improved and that all pupils have made expected or better progress.

15. The local authority considers that the proposed change to an all-through primary school will promote a range of benefits including greater consistency of approach to teaching and learning from ages 3 to 11; consistency of approach to learning policies, curriculum planning and behaviour management; improved use of facilities and the sharing of resources; increased potential for strong leadership and governance; and removes the need for children to transfer to another school at the end of Year 2, avoiding the impact this can have on pupils and their learning

16. My view is that replacing the infant and junior schools with an all through primary school has the potential to improve children’s learning and raise standards further by offering continuity of learning and consistency of teaching, planning and monitoring across the primary age range. The larger primary school is likely to improve the stability of leadership and staffing, and the single governing body and leadership team should be able to work together to address the issues identified in the schools’ Ofsted reports that still need improvement.

Leadership and vision

17. The current leadership arrangements at both schools offer the opportunity for change. The infant school has an acting headteacher and the deputy headteacher has stated her intention to retire in summer 2016; at the junior school the acting deputy headteacher is seconded until August 2016. The proposed change to an all-through primary school would enable the appointment of a substantive headteacher to take up post by September 2016, and other leadership roles would be agreed following that appointment.

18. Governance arrangements at the schools also offer the opportunity for change. Although the infant school currently has a full complement of governors, the junior school has vacancies, and two governors co-opted to support the school until the amalgamation will not be in post in September 2016. To oversee the establishment of the new primary school if the proposals are agreed, a temporary governing body has been set up, with the chair of the junior school's governing body acting as the chair, and the vice chair is the infant school's chair of governors. The temporary governing body will appoint the new headteacher, agree the staffing structure, agree policies for the new school and arrange the handover to the full governing body of the new school.

19. I consider that the proposed primary school with a single leadership team and governing body should be able to make good use of the knowledge and expertise of staff to co-ordinate and deliver the curriculum across the whole age range. There would be greater opportunities for existing staff to develop and broaden their skills and experience, and for the school to recruit and retain staff. I am satisfied that the proposals have the potential to provide a consistent ethos, continuity of progression and stability for pupils throughout their primary education and should allow the headteacher and governing body to promote improvement.

Pupil Numbers and Admissions

20. Murston Infant School has a PAN of 45 and 125 pupils on roll at as at 7 September 2015. Murston Junior School also has a PAN of 45 and 170 on roll. The proposed primary school would have a PAN of 45 and offer 315 places, for pupils aged 4 to 11, thus providing the same number of places as is currently available in the existing schools. The proposed primary school will also have a maintained nursery unit with 26 full-time equivalent places for children aged 3 to 4 years. All pupils on roll at the existing schools will automatically transfer to the new primary school unless their parents decide to seek a place for their child in a different school.

21. The infant and junior schools are community schools, and as the proposed primary school will also be a community school, the local authority will continue to be the admission authority and will set the admission arrangements for the primary school, as it does for the existing schools. The local authority confirms that the admissions arrangements for the primary school would be the same as those for both existing schools except that for the measurement of the distance from home to school *"the address point for the single school will be a defined point within the infant building as specified by Ordnance Survey"* which the local authority anticipates should not have any adverse impact on admissions.

22. I am satisfied that the proposed primary school and nursery places are needed and that there are sufficient places for the children on roll in the current schools to be accommodated in the new school. The admission arrangements will remain the same as those for community schools in the local authority. Parents and carers will have the advantage of a common uniform, the same arrangements for school closure days, open evening and school events, and a single admissions process, with their children moving from the infant to the junior stage without having to apply again for admission to year 3. Children will benefit from seven uninterrupted years of primary education

without a potentially unsettling transition to another school.

Impact on the community and travel

23. It is not anticipated that these proposals would have any impact on the community. Murston Infant School and Murston Junior School already work closely together and there is an admission link between the two schools.

24. As there will be no displacement of pupils because pupils at the existing schools would automatically be transferred onto the roll of new community primary school, which will operate from the existing premises of both schools, there is unlikely to be any impact upon the length of journeys between home and school as a result of the implementation of these related proposals and it is likely that families will continue to use the same patterns of transport and walking pathways. Furthermore, home to school transport will continue to be provided in accordance with Kent County Council's published policies. I am satisfied that there should be no impact on present travel arrangements or traffic around the primary school site.

Special educational needs provision

25. There is one pupil on roll at the infant school and four pupils on roll at the junior school with a statement of special educational needs (SEN statement) or education, health and care plan (EHCP). It is anticipated that these pupils would transfer onto the roll of the new primary school which would be named on their SEN statement or EHCP.

26. The local authority states that *"the bringing together of staff from both schools will enhance the quality of education provided through the sharing of skills and expertise, enable the curriculum to be broadened and enhance the extra-curricular opportunities."* Given the enhanced opportunities for continuity and progression in the proposed primary school, I can see no reason why the provision for children with special educational needs should not flourish.

Project costs

27. As the new primary school will operate as an all-through school across the existing infant and junior school sites, the proposal can be implemented without the need for significant capital expenditure. The feasibility of providing a link between the two sites is currently being investigated by the local authority, to enable easier access for the pupils and staff.

28. The local authority indicates that when the infant and junior schools become a single primary school, this would result in the removal of one of the lump sum funding allocations which is currently £120,000. The new primary school would continue to be funded at 100 per cent of the two lump sums for the remainder of the 2016/17 financial year from September 2016 to March 2017. The School and Early Years Finance (England) Regulations 2013 provide funding protection for amalgamating schools for the first academic year. Therefore, it is proposed that protection will be provided on the two lump sums at 85 per cent from April 2017 to March 2018 which equates to £204,000. From April 2018 the primary school would then receive just the

one lump sum. The local authority states that *“over time, economies of scale will result in savings from combined procurement and shared curriculum resources.”*

29. A temporary governing body has already been set up to take forward the process to establish the new primary school and to recruit a new headteacher. The local authority confirms that it is proposed that all teachers and support staff employed at the infant and junior schools at the time of the proposed amalgamation will transfer to the new primary school.

30. The freehold of the junior school site and part the infant school site will remain with Kent County Council. Part of the infant school site is leased from the Church of England Diocese of Canterbury which confirmed on 20 October 2015 that it has no grounds for concern provided nothing in the proposed future arrangement creates any conflict with the provisions of the Order associated with the lease.

31. I note from the equality impact survey that *“pupil number forecasts indicate that the primary school would need as many classes as there are currently in the infant and junior schools with the possibility of expansion to 2 form entry in future years.”* I also note that in the longer term, the local authority will pursue opportunities for future building work that would allow the infant phase to be accommodated on the junior site.

32. I consider that the loss of one of the lump sum funding allocations when the two schools amalgamate will, over time, be compensated by efficiencies in staffing, resourcing, combined leadership and financial management brought about by operating as a single primary school. Therefore, in the short term, the proposed primary school should provide an appropriate learning environment for pupils in a cost effective manner without the need for capital expenditure

Consultation

33. Meetings involving parents, staff, trade union representatives and governors were held at the schools, and the local authority said it received seven written responses, which mostly expressed reservation about the proposal. After discussions on the 13 and 14 May 2014, the governing bodies of both schools agreed to support the local authority’s proposal to discontinue the existing schools and open a new community primary school.

34. Following receipt of letters of agreement from the governing bodies of each of the two schools, the local authority agreed to proceed to public consultation on these proposals. A public consultation was carried out in the period 17 June to 15 July 2015. A consultation document was produced which included the dates of the public meeting and was available on the local authority’s website, together with a copy of the equality impact assessment. The consultation document was distributed to the appropriate stakeholders including the staff, governors and the parents of all pupils attending the junior and infant schools and the nursery unit, the Department for Education, the dioceses of Canterbury and Southwark, elected members for Kent County Council and Swale Borough Council, the local Member of Parliament, the appropriate trade unions, local children’s centres and pre-school providers, other schools and the local libraries in the Sittingbourne area.

35. A total of 42 written responses to the consultation were received: 39 of the respondents supported the proposal to amalgamate the schools; and the remaining three respondents were undecided. There were no objections to the proposal. The schools also sought the views of pupils, the majority of whom supported the proposal. Supportive comments included the opportunity to play with siblings, the chance to help younger children and the prospect of making more friends in a big playground. However, children also expressed concerns that the playground may be crowded and younger children might be bullied.

36. The local Member of Parliament wrote to support the proposal because it would create a smoother transition between key stages and reduce running costs, allowing more money to be spent directly on delivering education to the pupils. As the infant school site is restricted, merging the two sites would allow the school to expand to meet the growing need for school places in the area and to improve its service to the local population of Murston.

37. A joint public meeting held at the junior school on Thursday 2 July 2015 was attended by approximately 30 parents, members of staff and governors. The local authority outlined the rationale for the proposal, and the consultation timetable, and governors from each school explained that the amalgamation had been considered at great length and expressed wholehearted support for the proposal. The questions from the floor related to funding issues, the new staffing structure, and the new school logo and uniform.

38. The proposal and update on the consultation was reported to the council's Education and Young People's Services Cabinet Committee on 8 July 2015, a full report on the outcome of the consultation was provided to the Cabinet Member for Education and Health Reform on 20 July 2015, and the report on the outcome of the consultation, including summaries of the public meeting and responses received, was published promptly on the council's website. The Cabinet Member for Education and Health Reform considered the responses to the consultation and decided to proceed with the proposal. The local authority published the statutory public notice on 9 September 2015 in the "Sittingbourne News Extra" and also on its website. The statutory four week notice period ended on 8 October 2015, and the local authority confirmed in a letter dated 12 October 2015 that no representations had been received in response to the statutory notice, and on 14 October 2015 forwarded the information specified in sections 15 and 11 of the Act to the OSA for a decision.

39. I have scrutinised the local authority's record of the consultation and I am satisfied that the process met the statutory requirements and adopted good practice in having a pre-statutory proposal consultation. The statutory notices contained all the necessary information and all the documentation published and processes adopted by the local authority have been clear, detailed, helpful and transparent. I am satisfied that the local authority consulted appropriately with all the relevant parties, had due regard to comments received, and complied fully with all the statutory obligations.

Conclusion

40. The governing bodies of both schools unanimously support this proposal which

is aligned with a recommendation in the Kent Education Commissioning Plan 2015-2019 that the amalgamation of separate infant and junior schools to provide all age primary schools should be considered because of the benefits they offer. There were no objections to the proposal at any stage of the statutory process and I am satisfied that the local authority met all the requirements expected of the proposer.

41. The proposal does not change the number of pupils admitted across the 4-11 age range or the current class structure of the school. Admission into the Reception Year would remain the same and as there would be a single primary school, parents would not need to complete an admission form for entry to Year 3. As a contingency measure, the local authority says that *“an admission form for entry to Year 3 in September 2016 will need to be completed as a final decision from the Schools Adjudicator will not be known until after the start of the admission process.”* The local authority is correct in not pre-empting my decision on the proposal, but as the local authority’s website shows that the date from which applications can be made is 10 November 2015 and with the closing date not until 15 of January 2016, the local authority may now wish to remove the need for children currently in Year 2 to apply for a place for September 2016.

42. It is anticipated that the proposal will have no capital costs, no travel implications and no impact on the number of school places available, enabling all pupils in the current schools to transfer if their parents /carers wish them to do so. Furthermore, replacing the infant and junior schools with an all through primary school has the potential to improve children’s learning and raise standards, and the larger primary school is likely to improve the recruitment and retention of staff. I am persuaded that I should approve the proposal.

Determination

43. Under the power conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Murston Nursery and Infant School and Murston Junior School, two community schools in Sittingbourne, with effect from 31 August 2016; and to establish Murston Primary School, a community primary school, on 1 September 2016.

Dated: 28 October 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway