

DETERMINATION

Case reference: STP/000558

Proposal: To discontinue The Wakeman School and Arts College, Shrewsbury

Proposer: Shropshire County Council

Date of decision: 28 November 2011

Determination

Under the powers conferred on me by Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue the Wakeman School and Arts College, Shrewsbury on 31st August 2013.

The referral

1. On 27th September, 2011, Shropshire Council ("the Council") wrote to the Office of the Schools Adjudicator, referring its proposal made under section 15 of the Education and Inspections Act 2006 ("the Act") for consideration under Schedule 2 of the Act. Its proposal to close the Wakeman School and Arts College, Shrewsbury ("Wakeman"), a community secondary school, on 31st August 2013 was published on 1st July 2011 (the notice replacing an earlier one that had given an erroneous prospective closure date) and was approved by the Council's Cabinet on 7th September 2011.

Jurisdiction

2. The proposal has been referred to me for a decision to be made because of a request by the Diocese of Lichfield ("the Diocese"), in its letters to the Council of September 2011 (undated) and of 27th September 2011 for the matter to be referred to the Adjudicator under paragraph 14 of Schedule 2 to the Act.

3. I am satisfied that I have jurisdiction to determine the proposal in accordance with the Act and the Regulations made thereunder, namely The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007.

Procedures

4. In considering this matter I have had regard to all relevant legislation and guidance.

5. I have considered all the papers put before me including:

the Council's referral letter with prescribed information as set out in the relevant regulations;

the Diocese's letters to the Council requesting referral to the Adjudicator, its explanatory letter to me of 18th October 2011, and a further letter of 7th November 2011;

the Council's consultation document, papers recording the Council's processes of consultation and decision making, a summary of the written responses to the consultation, the Council's analysis of these responses, and further submissions of 10th, 15th and 17th November 2011;

a copy of the published notice, and a copy of a previous erroneous notice which has been superseded;

representations from Wakeman, together with a record of correspondence with the Council and with the Local Government Ombudsman, and a further submission from Wakeman of 9th November 2011;

Ofsted reports for Wakeman and for Meole Brace School Science College ("Meole Brace"), and the Department for Education's ("DfE") Performance Table for both schools;

the Net Capacity Assessments for Wakeman and Meole Brace;

a letter from the chair of governors of Meole Brace of 23rd October 2011; and

a large number of representations from people with an interest in the outcome of the proposal, largely from parents and others, opposing it, but with some, largely from educational professionals, supporting it.

6. I visited Wakeman and Meole Brace on 4th November to view at first hand the accommodation at both schools and their environs. I held a roundtable meeting on the same day, to gain a clearer understanding of various points from representatives of the Council, the Diocese, Wakeman and Meole Brace. I held a public meeting also on the same day, attended by representatives of the Council, the Diocese, Wakeman and Meole Brace, the local Member of Parliament and around 400 parents, pupils, governors, staff and local residents and others with an interest in the proposal. I have considered the information and representations put to me at those meetings, and the representations sent to me before and after the meetings.

The Proposal

7. Wakeman has, for several years, been considerably undersubscribed, and the Council believes that it is in the interests of the education of children at Wakeman and across the County that Wakeman should close from 31st August 2013, with places being provided for most pupils at Meole Brace, with

no pupils being admitted to Years 7 or 10 in September 2012 and with places being offered at Meole Brace to Year 9 pupils in 2012 and Years 8 and 9 in 2013.

Views on the Proposals

8. The Diocese's request for referral to the Adjudicator was based on a resolution by the Diocesan Board of Education at its meeting on 21st June 2011 and its concerns:

- a. that the case for closing Wakeman appeared exclusively financial;
- b. that Wakeman is a good school, with some excellent facilities and results, and that the case for closure had not been adequately made; and
- c. that alternatives such as federation, strategic partnerships and other forms of collaboration had not been sufficiently investigated.

9. The Diocese has outlined the evidence for its assessment of Wakeman as good and improving, believes that recruitment has been blighted by rumours of closure and that Wakeman's capacity will be needed in Shrewsbury in ten years' time, and has expressed concern at the Council's approach to school organisation. The Diocese has acknowledged that it would like to develop links with Wakeman if it remains open, but has stated that this prospect is incidental to its decision to cause referral to the Adjudicator.

10. In its response to the Diocese's case, the Council has drawn attention to the following factors.

- a. The financial case for closure is predicated on demography. Shrewsbury secondary schools have seen a fall of 613 pupils between 2003 and 2011; numbers are expected to continue to fall until 2015, before a limited recovery to the 2011 levels by 2019. Wakeman has steadily lost pupils since 2002-03, and now has fewer than 250 pupils, who could be accommodated in other Shrewsbury schools. Wakeman is forecast to have a deficit of £103,000 in 2011-12, rising to a cumulative amount of around £640,000 by 2012-13 on the basis of around 240 pupils. The Council estimates that the cost per pupil place at Wakeman would be around £6,947 in 2011-12 and around £10,347 in 2012-13, compared with a Dedicated Schools Grant ("DSG") allocation of £4,611 and compared with a cost of £4,131 at Meole Brace.
- b. The educational case for closure is not based upon unsatisfactory standards at Wakeman, but upon the effect of depleting the funds available for all schools in the County by continuing to maintain Wakeman. Of the criteria set by the County for reviewing the position of individual secondary schools, Wakeman was found to meet those relating to:

- i. concern of performance over a three year period;
 - ii. significant surplus capacity;
 - iii. small school size;
 - iv. the accessibility of alternative provision; and
 - v. the availability of alternative capacity.
- c. The Council has considered alternative proposals, to enable Wakeman to remain viable, but has not found them to be feasible.

11. Wakeman has responded to the proposal by drawing attention to the disturbance to current pupils' education that closure would entail, and the reduction of choice of schools that would result. It believes that rumours of closure and the consultation process itself have led to the diminution of pupil numbers on which the Council's proposal rests. It has drawn attention to what it believes has been unfair practice on the part of the Council in allowing other secondary schools to expand at Wakeman's expense. The March 2011 Ofsted report categorised Wakeman as 'good with outstanding features' and the 2011 GCSE results show it to be now above the county average for quality of provision. Wakeman has excellent accommodation, and has suggested a number of 'dual use' options that the Council has deemed impractical. The current surplus of secondary school places in Shrewsbury is a temporary phenomenon, and substitute provision would in due course need to be provided if Wakeman should close. Wakeman submits that data provided by the Council has been misleading or inaccurate.

12. The Meole Brace chair of governors, in his letter to me, has referred to the growing popularity and success of that school, its links with the local church, and the governors' general support on financial grounds for the Council's reorganisation intentions.

13. All of the 31 individual speakers at the public meeting I held spoke against the Council's proposal to close Wakeman. They spoke of, among other issues: the ethos and quality of provision at Wakeman, particularly in relation to special educational needs ("SEN"); the importance of retaining a school at the heart of the town; the contribution to art that Wakeman makes in Shrewsbury; allegedly faulty data and reasoning about future demand for secondary places and about school finances; alleged lack of consultation with pupils; and the importance of 'a system shaped by parents'. I am considering these issues carefully in the course of this adjudication. Most of the numerous representations that I received after my visit also offered reasons for retaining Wakeman, often from parents, former parents, pupils, former pupils and staff who value particular aspects of Wakeman's character. However, a representative of the Shropshire School Governors Council expressed general support for the proposal.

Consideration of Factors

14. I have considered carefully the processes followed by the Council prior

to and since the publication of the proposal to close Wakeman. The reports and minutes of Council decisions during 2010 and 2011 that have been supplied to me are in the public domain, and I do not intend to summarise them here. I will simply note that there is evidence that the issue of school finance, along with that of pupil numbers, was prominent as a cause for concern and action, together with concern to promote school improvement generally through the organisation of schools, including various kinds of collaboration. The criteria for reviewing the effectiveness of individual secondary schools that were approved include the factors which the Council believe apply to Wakeman, as summarised in paragraph 10. b, above. A process of review by areas, of which Shrewsbury was one, was approved by the Council's cabinet in November 2010.

15. It is clear from the 15th February 2011 report to the Council's cabinet on the general consultation stage of the review that schools' funding from the Council's DSG from the Government was an important concern, against a background of Shropshire being the fifth lowest funded local authority in terms of DSG allocations. Both the DSG and the individual allocations by the Council to its schools are based largely on pupil numbers. The declines in pupil numbers that have occurred in Shropshire's schools in recent years, and the further greater declines that are forecast, particularly in the secondary sector, are causing acute difficulty in meeting the financial needs of schools. The Council envisaged more collaboration between schools and changes to school organisation and structure to improve efficiency and educational effectiveness – including some school closures. It is against this background that the proposal to carry out consultation with a view to closing Wakeman emerged, with an undertaking that all revenue savings and capital receipts arising from closures would be recycled into schools.

16. The report of the general consultation review noted that the six Shrewsbury secondary schools share a common catchment area, but have between them 17% of places unfilled, with this proportion due to increase. It will be possible to meet the increase in demand as a result of expected housing developments from surplus secondary places. Wakeman was projected to have more than 53% surplus places by 2014, although it was recognised that some of this might be due to rumours of possible closure. (Further data relating to capacity and pupil numbers at Wakeman and at Meole Brace will be considered below.)

17. On the basis of this and other information, the Council approved a process of consultation on the specific proposal to close Wakeman, which took place from February to April 2011. The report to the Council's cabinet of 5th May 2011 contains a summary of the consultation process and the written responses that were received, and I have considered the contents of that summary, and the particular responses that were received from Shrewsbury Town Council and from Wakeman. The Town Council response indicated a reluctant acceptance of the appropriateness of closure. Points from Wakeman's response have been included in paragraph 11, above.

18. Several correspondents and Wakeman have questioned whether the Council adhered to the requirement of section 176 of the Education Act 2002

and the guidance that has flowed from it that there should be consultation with pupils about matters affecting them. The requirement of this section is that local authorities and schools should have regard to guidance from the Secretary of State. However, I have found the guidance in question not to be clear about the form that consultation with pupils should take place over statutory proposals such as those for school closures. That being the case, I have considered whether the spirit of section 176 has been followed. Discussion at the roundtable meeting I held revealed that the Council did not arrange for a representative to address school assemblies or meet the school council, produced no consultation literature suitable for children and did not address any consultation letters to pupils. On the other hand, the consultation document invited responses from young people, pupils addressed the Council's cabinet on 7th October 2010, pupils participated in the Council's consultation meeting on 24th March 2011, pupils compiled an online petition against closure, a representative of the Council met the head girl and head boy (although outside the consultation period), the Council received responses from young people (even though they are not identified as from young people in the summary), and I received oral representations at the public meeting I held and some written representations from present and past pupils. The Council has acknowledged that it would wish to include greater consultation with pupils in future exercises. I have concluded that there is evidence that pupils generally were aware of the proposal, and that they could participate, as some did. On this basis, I do not think it would serve anyone's interests for the consultation process to be repeated, and in any case believe that the total process of consultation adopted by the Council for its general preliminary consultation and for its more specific consultation relating to Wakeman were adequate and generally thorough.

19. A concern has been raised with me as to whether the Council consulted the Shrewsbury primary schools on the proposal to close Wakeman, and this concern has been reiterated by a local primary headteacher who has written to me. Although the Council has not provided me with evidence that formal consultation did take place, the Primary Central Policy Group, in a letter to me, has reported that no primary headteachers had recorded concern on this issue. Invitations to the public meeting I held were sent to all Shrewsbury primary schools for distribution to parents. Several local primary headteachers spoke at the public meeting I held and/or have since written to me, in most cases opposing closure of Wakeman, as have a few parents of present primary school children who might attend Wakeman in the future. So, whether or not the Council's consultation with primary schools was as thorough as it might have been, I am confident that local primary school parents and staff have become aware of the proposal to close Wakeman and of opportunities to make their views known.

20. Following the publication of the proposal to close Wakeman, 87 responses were received, largely opposing the proposal. I have carefully considered the summary of these objections reported to the Council's cabinet on 7th September 2011.

Standards and Diversity

21. Data produced by the Council in November 2010 showed Wakeman to have been among the three of the six secondary schools in Shrewsbury with an outcome of 2007-09 GCSE results of 5+ A*-C including English and Maths below the national and Shropshire averages, and one of two schools with a negative contextual value added score for 2007-09.

22. An Ofsted inspection of Wakeman was carried out in March 2011, with the report describing it as 'a good school which has improved rapidly', with 'all groups of students mak[ing] at least good progress', 'under the outstanding leadership of its headteacher, supported by a strong leadership team and governing body'. 'Attainment', the report says, 'is still low, but it is improving and pupils achieve well'. The individual grades within the report are largely 'Good' and 'Satisfactory'. The Department for Education's ("DfE") performance tables show between 35% and 48% of Wakeman pupils having achieved 5+ A*-C GCSEs including English and Maths over the period 2007-10, with no significant trend of improvement against the background of rising percentages for England and Shropshire (which reached 54% in England and 58% in Shropshire, in 2010). However, Wakeman and the Diocese have reported to me that in 2011 the figure for 5+ A*-C GCSEs including English and Maths was 61.5%, above the Shropshire average. The Council, while not wishing to minimise Wakeman's achievements, has argued that the data for progress in Maths and English remain below the Shrewsbury averages, that attainment data need to be seen over a three-year period, and that, in any case, its case for closing Wakeman does not relate primarily to the quality of provision or attainment. On the contrary, the Diocese, has argued, issues of quality are fundamental, and it would be irrational to close an improving school. Wakeman has described the particular circumstances that it believes have contributed to the measures of progress that the Council believes are inadequate. However, despite the progress that Wakeman may well be making in some respects, the standards of attainment are what they are, and it is not necessarily to the advantage of any pupils, particularly those already disadvantaged, to be educated in this particular environment.

23. Since the Council's expectation is that, should Wakeman close, most pupils would transfer to Meole Brace, I have considered the standards there as a matter of comparison, although it should be noted that the last Ofsted report is now over three years old. Meole Brace was then described as 'a good school that is growing in popularity, where students attain above average standards that are improving year on year'. Almost all individual judgements are of 'Good'. The comment about standards is borne out by DfE performance tables. These show results rising significantly in 2008 and remaining consistently above all the averages for 5+ A*-C including English and Maths in for England and Shropshire, at 63%, 67% and 64% in 2008, 2009 and 2010, respectively, and which I understand rose to 72% in 2011. That proportion, the measures of progress in Maths and English and attainment and progress of pupils with SEN or registered for free school meals remain above the Shropshire and Shrewsbury averages.

24. Wakeman has a designation as a specialist arts college, and has drawn my attention to the breadth of links it has with local arts organisations, some of which have made representations on behalf of Wakeman.

25. Wakeman has also drawn my attention to its success with its children with SEN, and indeed several speakers at the public meeting I held and several correspondents have vouched for the contributions that Wakeman has made to the education of children with SEN. However, data presented by the Council indicate that, although Wakeman is undoubtedly doing good work with such children, the level of attainment is less than in other Shropshire and other Shrewsbury schools. The Council has presented data that lead to the same conclusion over children registered for free school meals. I have no reason to question the Council's data or analysis, and therefore no reason to suppose that Wakeman's success with pupils in these categories would not be at least replicated in other Shrewsbury secondary schools.

26. Despite the fact that it is the Diocese that has caused referral to the Adjudicator, Wakeman is not a church school, and there would be no reduction in the provision of faith school places if it were to close.

Community cohesion and equal opportunities

27. There is some limited evening usage of Wakeman's premises by the community (for drama teaching, sports, and arts and media training), some arts, media and languages support for primary school, and provision for and teaching of some sixth form college food technology courses. I have not been provided with evidence one way or the other as to whether alternative accommodation would be available, although the Council argues that there is considerable provision of community facilities in Shrewsbury. The Council's preference would, in any case, be for the Wakeman premises to be used for educational purposes, perhaps in the further or higher education sectors, and on that basis community usage might be able to continue. Apart from community usage, I have no reason to conclude that community cohesion and equal opportunities would be either diminished or enhanced by the proposed closure.

28. However, Wakeman has argued that closure would remove a provision for children who often come from areas of comparative deprivation, and for those children who transfer from other secondary schools 'often in challenging circumstances'. Although standards have improved at Wakeman, as indicated by the recent Ofsted report, it is still the case that standards by all measures are not as high as at some other local schools, including Meole Brace, and therefore it is in the interests of children from more deprived backgrounds that they should be educated in the best possible local provision. Wakeman has argued for its desirability due to its small-to-medium size and its inclusive ethos. Although it is probably true that, as Wakeman has said, some pupils have benefited from moving there from larger schools, it is probably equally the case that other pupils have benefited, or might benefit, from moving to larger schools with the additional curriculum opportunities that larger schools can provide, while usually retaining some smaller groupings.

Need for places and admissions

29. The report to the Council's cabinet of 15th February 2011 recorded Wakeman as having 406 pupils on roll in January 2010, out of 675 available places, resulting in 40.3% of unfilled places (which is expected to rise to 53%

by 2014). I note from the Net Capacity Assessment (“NCA”) for Wakeman that this calculation is based on a planned admission number of 135, whereas the NCA in fact indicates a potential capacity of up to 716, and, on that basis, the proportion of places that are unfilled would be slightly higher. The report indicated that Meole Brace had 997 pupils in a school for 1215 places (although I note that Meole Brace’s NCA shows a potential capacity of 1260). 1235 pupils were projected for September 2013, allowing for the effects of housing development for which planning permission had been given and for those pupils who would transfer from Wakeman if it should close..

30. The Council produced data for its cabinet meeting on 4th May 2011 which showed a steady decline in pupil numbers in Shrewsbury since 2007, resulting in 17.4% of secondary school places in Shrewsbury being vacant on 20th January 2011. The decline in Wakeman’s pupil numbers had been steeper than the overall Shrewsbury decline, compared with an almost steady state at the other Shrewsbury secondary schools. (The decline in admissions to Wakeman and the comparison with the position at other Shrewsbury secondary schools are amply demonstrated in graphs presented to the Council’s cabinet on 7th September 2011.) To Wakeman’s complaint that other schools have been allowed to expand beyond their capacity, the Council has responded that admissions that may have had this effect have been on the decision of appeal panels, over which it has no control. Actual enlargements of other schools were not recent, but took place in 2002 and from 2005-2007.

31. The Council’s experience of new housing, some of which is forecast for Shrewsbury, is that few additional children result. The Council has produced data that show that, to take the number of pupils beyond what could be accommodated in the secondary schools remaining after closure of Wakeman, there would need to be developments that would not in any case be served by Wakeman or Meole Brace. The Council believes that any need for places over and above existing provision (without Wakeman continuing) could be met at existing schools until at least 2020. It is clearly difficult for a local authority to predict the number of children in different age groups requiring school places in their vicinity in future years, since not only fluctuating birth rates but also the nature of residential occupancy and uncertain future housing developments contribute to the whole picture. However, I have concluded that the Council’s predictions are as robust as can be expected, and that their arguments in terms of future need for secondary places in the area of Wakeman are justified. Although several correspondents have claimed that the Council has previously stated that a new secondary school would in due course be needed in Shrewsbury if Wakeman were to close, the Council is adamant that it has made no such assertion, and that it does not envisage such a need.

32. A graph presented to the Council’s cabinet on 7th September 2011, and supported by numerical data, indicates that the number of first preferences for places at Wakeman has been lower than the number of actual admissions in every year since 2006, the additional children being admitted presumably been drawn from those for whom Wakeman was second preference (the number of second preferences being higher, but also declining year by year). In 2011, of 48 children admitted, 42 had indicated a first preference for

Wakeman.

33. Wakeman and some parents have argued that the decline in pupil numbers at Wakeman can be attributed to longstanding rumours of the possibility of closure. It is certainly not unknown for parents to choose alternative schools when one is at risk, and the Council has acknowledged that rumour may have contributed to the decline. However, the Shrewsbury Town Council has expressed the view that the threat of closure is not the main cause of the decline, and that Wakeman itself could have done more to address such matters. The construction of a relatively new building extension would seem to undermine any claim that at that time at least the Council had any intention to close Wakeman. Indeed, I find the data to indicate that the decline in Wakeman pupil numbers began in 2004, seriously gathering pace in 2007. In any case, I find it difficult to accept an argument which relies upon parents valuing a school highly, when some parents have removed their children before it is necessary and before such time as their children could, if necessary, transfer with their peers. It is clear to me that there have been serious declines in overall pupil numbers at Wakeman and in indications of parental first preferences. I am not persuaded that this can be mainly attributed to rumour of closure, and, if it could be so attributed, it would still be the case that the present situation needs to be managed decisively.

34. I have considered supplementary information, provided by the Diocese, about a statement by the Secretary of State on 3rd November 2011, relating to a revised prediction of primary pupil numbers across the country for 2020. I have also considered a response from the Council that indicates a continuing confidence that its own predictions will not materially be affected, and that, even in a 'worst case scenario', future demand for secondary school places in Shrewsbury could be met in 2020 with small additions to existing schools, without a need for Wakeman. I accept this response.

35. Although Wakeman and some individual correspondents have sought to present data different from the Council's, or to interpret differently what the Council has provided, I have concluded that the Council has been painstaking in its attention to detail and accuracy, and have no reasons to question its data or interpretation.

Premises and Travel

36. The Council has reported that Wakeman's buildings suffer from certain disadvantages, in that the basement suffers from intermittent flooding from the nearby river, the sports field is around 500 metres from the main school, limited car parking facilities mean that most staff have to park off-site and there is no space for additional accommodation. There has been considerable capital expenditure to mitigate flooding and to improve facilities, and Wakeman has indicated that flooding has mostly been eliminated by the works that have been carried out. Wakeman's view is that the distance to the sports field does not constitute a problem, being less than five minutes' walk away, and that the lack of on-site car parking is offset by car parking 100 metres from Wakeman, with the prospect of designated parking on an alternative site in due course. Indeed, Wakeman has argued strongly that,

with the particular excellent premises aspects that it has described (including architectural features as well as new educational facilities), it is unacceptable that it should not continue to be used. My own impression of the premises is of substantial 1930s buildings of generous proportions, coupled with a major, modern addition of some excellent teaching facilities. My visit to the disused basement revealed a significant former teaching area, now kept dry by sumps and pumps. This does not appear to cause detriment to the school as a whole, although the area in question and its particular needs must constitute something of a drain on Wakeman's budget. The playing fields seemed to me to be adequate and largely well maintained. However, I found the walk there undesirable in terms of distance and duration of around ten minutes, under a huge railway arch and over narrow paths, very slippery with autumn leaves. Wakeman tells me that staff car-parking is to be provided as part of the current adjoining housing development, but was unable to tell me what security of tenure would apply.

37. The Council acknowledges that some increase in the Meole Brace admission number may be necessary in two years' time to accommodate additional pupils, and the Diocese has raised a question as to whether central facilities there, such as the assembly hall, would be adequate for an enlarged roll. Meole Brace – which some years ago accommodated 1250 pupils – and the Council are confident that the additional pupils of the numbers envisaged could be accommodated satisfactorily and that reasonably sized teaching groups could be maintained, and my own observations of a well managed and orderly school confirm that view. Meole Brace does not teach Italian, but has pledged itself to making continued provision, if at all possible, for pupils from Wakeman who have started Italian language courses.

38. The Council's consultation document stated that 47.4% of current pupils at Wakeman walk and 8% cycle to school, and that it sees no reason why this pattern should not broadly continue after the proposed closure. Wakeman and Meole Brace are 1.6 miles apart, and all displaced pupils could be found places within 3 miles of their homes. However, some present pupils at Wakeman live more than 3 miles from Meole Brace, where they would be offered places, and the Council has acknowledged that some additional school transport may be needed for them and/or for some pupils with special educational or health needs. The total number of pupils for whom transport might need to be provided has been estimated at around 22. Wakeman has argued that greater traffic congestion and parking difficulties will occur in the Meole Brace vicinity if pupils transfer there; however, I have not been presented with evidence upon which I can form a judgement on this matter, and the issue has not been raised by Meole Brace. I have, however, noted the busy road complex around Wakeman, and although it is to Wakeman's credit that it has managed to achieve a relatively high proportion of pupil travel on foot or cycle, my impression is that such travel to Meole Brace for at least some pupils is likely to be no more dangerous. Maps provided by the Council demonstrate that the areas where all present Wakeman pupils lived are also areas where present Meole Brace pupils live, which seems to confirm that no transport difficulties would be likely to arise for previous Wakeman pupils attending Meole Brace than exist for some present Meole Brace pupils.

Finance

39. A new formula for the allocation of revenue funding to Shropshire schools was introduced on a phased basis, beginning in April 2011. The Council has calculated that, as a result, Wakeman would in due course lose 9.1% of its 2011-12 budget, increasing the risk of financial instability.

40. The Council's argument about the extent of the budget deficits that are envisaged for Wakeman has already been summarised in this adjudication. In response, Wakeman has argued that, on the basis of increasing pupil numbers following removal of the threat of closure, it would be able to recover from its deficit position within three years. The Council does not believe that a feasible budget recovery plan is in place. What is of greatest significance, in my view, is that Wakeman's deficit recovery plan, reiterated to me following my visit, is largely dependent upon an increase in pupil numbers. The issue of pupil numbers I have already addressed in this adjudication.

41. The Council has calculated that revenue saving of £376,440 would be made as a result of closure, this being the amount of non-pupil related funding within Wakeman's allocated revenue budget. A capital receipt would arise from a sale of the site, and no capital investment in additional accommodation would be needed. If, in due course, additional or new accommodation proved to be needed, the Council has argued, this would be better met in the light of new factors relating to location, parental preference and current educational practice.

Staffing issues

42. The Council has stated that it has negotiated an agreement with the trade unions, and is seeking governing bodies' agreement to a staffing protocol to give preferential consideration to all displaced staff who wished to continue in employment. Around half of all secondary schools in Shropshire have so far adopted the protocol, including Wakeman and Meole Brace, and the matter is being followed up with the remaining schools. The Council envisages that some displaced staff would transfer to Meole Brace. Meole Brace has reported to me that it is working on the assumption that as many as possible Wakeman staff would transfer with the pupils, particularly in the case of children with SEN, and that it would not be filling vacancies on a permanent basis in the meantime. Wakeman has expressed concern for older staff in management positions who are not yet ready for retirement, but I have not been able to establish what degree of protection would be available for such staff.

Alternatives to closure

43. The Council believes that the option of 'hard' federation is unlikely to be attractive to other schools. In any case, the matter of federation rests with governing bodies, and I have not been made aware of any definite steps taken in this direction by Wakeman or by other schools. The Diocese would support the principle of federation. I find it difficult to imagine that other schools would welcome the prospect of federation with a school with a reduced roll and significant budget deficit. The School and the Diocese have

been in dialogue with the Oasis organisation about the possibility of Oasis managing Wakeman as one of its academies. However, the evidence I have seen suggests that Oasis, on the basis of its understanding with the DfE, would be unlikely to promote Wakeman as a potential academy, particularly in its present budgetary position, without what would amount to a federation with other local schools.

44. Wakeman has put forward several alternative proposals. One suggestion was for dual-use of the premises with provision for council officers. However, the Council has responded that it does not need additional accommodation, and that car parking and security factors would make the idea unworkable. The Council believes that commercial letting is unlikely to be viable, in view of the availability of existing office accommodation in Shrewsbury and the limited car-parking provision. Again, I have not been made aware of any successful initiatives by Wakeman in this direction that I should consider. I do not believe that a proposal to 'mothball' Wakeman would be viable in terms of maintenance, security or long-term suitability.

45. Wakeman already provides facilities and teaching expertise to a sixth form college for food technology at AS level, and would like to expand such co-operation with this college and other providers, although no progress has been made in that direction.

46. The Council has considered the option of artificially reducing the admission numbers of other Shrewsbury secondary schools in order to boost Wakeman's admission numbers. I agree with the Council's assessment that this would restrict parents' choice, and I believe that such a proposal would be unlikely to survive the legal processes necessary to set an admission number lower than the number that arises from the NCA process.

47. Wakeman has suggested that the Council might develop specialist provisions based in Wakeman premises, such as: an ICT-based hub to support children not in mainstream schooling, including travellers' children and children being taught at home; 14-19 curriculum links with local colleges; and making Wakeman a centre for modern language teaching and/or media and arts. But Wakeman has not made progress in that direction.

'Due diligence' issues

48. Wakeman has expressed concern to the Council, to the Local Government Ombudsman and to me about what it terms 'due diligence', with respect to the Council's consultation process, its decision-making process, its alleged production of flawed data, the lack of Equality Impact Assessments and Community Impact Assessments, and the lack of a cost-benefit analysis for the proposal. I have read all that has been presented to me, and have concluded that there is no basis for Wakeman's concerns in these directions. I have already concluded that the evidence of consultation and decision-making is indicative of sufficiency and propriety. I find there to have been due consideration of equality and community issues in accordance with the DfE's statutory guidance for proposals to close schools. I find that, while no single cost-benefit document has been provided, the issues of revenue and capital

costs and savings have been well considered, as have non-financial considerations that might figure in a cost-benefit analysis, such those relating to educational quality and human factors.

Conclusion

49. Although I understand Wakeman's arguments from housing projections for retention to meet future demand, I find no reason to question the Council's data or reasoning about the way in which future demand, if it exceeds the capacity of the remaining Shrewsbury secondary schools, could be most appropriately met. I find the Council to have done a thorough job in producing and analysing data relating to pupil numbers, prospective housing development and the overall likely results in Shrewsbury, and have no reason to question any part of the analysis or the conclusions the Council has drawn in terms of the provision of school places for the present and the foreseeable future. It would be imprudent to base a decision in this case on a theoretical future rise in Wakeman's admission numbers, when the actuality is that, for whatever reason, parents have in increasing numbers decided to place their children elsewhere. Similarly, it would be unwise to rely upon possible housing developments for which planning permission has not yet been given, or which are otherwise at a hypothetical stage of planning.

50. I recognise that, as the Diocese has claimed, Wakeman has many good features with some excellent facilities. The GCSE results for 2011 represent an improvement in attainment, although they need to be seen in the wider context of the historical position. It has become clear to me that the school has able and dedicated staff and governors. Although pupils' attainment remains at a level lower than is desirable, I do not believe that a case for closure could be sustained on grounds of the quality of provision. However, I have also concluded that the relative standards of attainment and progress at Wakeman and Meole Brace indicate that children's needs, including those of children with SEN, would be served as well at Meole Brace, and probably better.

51. The financial argument, based on a falling roll and the availability of other school places, has been prominent in the Council's case, and I find it incontrovertible. The non-pupil number related costs associated with maintaining each school are considerable, and it is right that scarce resources should be directed by each local authority in such a way as to maximise the quality of provision for all the children of Shrewsbury and of Shropshire. The Diocese has suggested that 'the case for closure appears to be exclusively financial'. Whether or not it appears so, it would be simplistic to suggest that financial considerations can be divorced from issues of best educational provision and quality. Financial considerations are a huge contributory factor in planning for children's best educational opportunity. Wakeman has now declined to a position where its future budgetary viability must be called into question, and where, when non-pupil-number-related costs are taken into account, it is absorbing more than its fair share of DSG,. It would not be right for me to base my decision upon conjectural projections of a recovery of pupil numbers, particularly since I am not convinced that rumours of closure alone account for the decline that has taken place over a period of some years.

52. It is undeniable that, in the longer term and largely due to staffing costs when budgetary stability has been achieved, small secondary schools cannot offer the same curriculum breadth and opportunities (including GCSE options) that larger schools can offer. It is regrettable that Wakeman's arts specialism would be lost through closure, and its community links in that field, and it is to be hoped that the specialism might be picked up by Meole Brace or another Shrewsbury secondary school following Wakeman's closure.

53. The Diocese's third objection is that 'alternatives such as federation, strategic partnerships and other forms of collaboration have not been adequately investigated'. I have considered the ideas that Wakeman has put forward for the use of its premises alongside a continuing school. To some extent, some of these ideas – particularly federation and supplementary use of the premises – would have been for Wakeman to implement, which it has not done. The same is true of any affiliation with the Diocese that Wakeman and/or the Diocese may have in mind. In other respects, the ideas are dependant upon the Council's policies and spending capabilities, over which neither Wakeman nor I have control. It is therefore difficult for me to base a decision on ideas for dual use and other collaboration that have not been implemented and might not prove feasible. Similarly, I cannot base a decision upon pure aims, however commendable in themselves, for federation, academy status or additional sources of income.

54. Wakeman has raised the matter of the Government's intention that educational provision should reflect 'a system shaped by parents which delivers excellence and equity'. The strength of feeling on the part of parents whose children continue to attend Wakeman is commendable. It is undeniable that opportunities for parental choice would be reduced by Wakeman closing. However, the facts of the matter are that insufficient parents have continued to indicate their confidence in and preference for Wakeman, and that, in such circumstances, the desires of some parents and other local people have to be balanced against the good of educational provision for all children.

55. I am thus driven to the conclusion that, despite the quality of educational provision that Ofsted has now deemed to exist at Wakeman, and despite the possible improvement indicated by the 2011 GCSE results, it is in the overall interests of secondary education in Shrewsbury that Wakeman should close. I can assure the Diocese, Wakeman and other objectors that all the points they have raised have been taken into my reckoning. I am determining that Wakeman should close as the Council has proposed.

Determination

56. Under the powers conferred on me by Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue the Wakeman School and Arts College, Shrewsbury on 31st August 2013.

Signed:

Schools Adjudicator: Canon Richard Lindley

Dated: 28 November 2011