

DETERMINATION

Case reference:	STP/000592
Proposal;	A statutory proposal to discontinue the John Loughborough Voluntary Aided School, Tottenham, London
Proposer:	Haringey Borough Council
Initial Decision Maker:	Haringey Borough Council
Objector:	The Governing Body of the John Loughborough School
Date of Adjudicator's Determination:	11 July 2013

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby reject the appeal against the decision to discontinue the John Loughborough School.

The referral

1. On 29 May 2013 Haringey Borough Council, (the council) wrote to the Office of the Schools Adjudicator (OSA) on behalf of the governing body of the John Loughborough School (the school), a Voluntary Aided school supported by the South of England Conference (the SEC) of the Seventh-day Adventist Church (the church) referring a decision that it, the council as decision maker, had made to cease to maintain the John Loughborough School from 31 August 2013.
2. The governing body of the John Loughborough School has appealed against the decision on the grounds that the council's consultation was flawed and that the decision making process failed to take account of representations made.

Jurisdiction

3. On 7 January 2013, having carried out a consultation as required for making a statutory proposal, the proposer formally published the proposal. The notice was in the form required by the Education and Inspections Act 2006 (the Act).

4. At a Cabinet meeting held on 16 April 2013 the proposer resolved to proceed with the proposal.

5. The school governing body lodged an appeal that the proposal be referred to the adjudicator within the prescribed timescales. The proposer forwarded the appeal and its comments on it to the OSA, in accordance with the provisions of the Act and also the relevant Regulations, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (the Regulations).

6. I am satisfied that this proposal has been properly referred to me in accordance with the Act and the Regulations and that, therefore, I have jurisdiction to determine this matter.

Procedures

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

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

- a. the agenda and supporting papers for the meeting of Haringey Borough Council Cabinet held on 16 April 2013;
- b. prescribed information from the proposer as set out in the relevant regulations;
- c. copies of objections received after publication of the proposals;
- d. the proposer's response to the objections and comments received;
- e. the information and views submitted by the school's governing body;
- f. the information and views submitted by the SEC on behalf of the church;
- g. comments made by the proposer in response to the appeal;
- h. the Ofsted inspection reports for this school;
- i. maps showing where the pupils who attend the school live;
- j. a very large number of letters and other material from parents and other interested parties; and
- k. further correspondence and information submitted by the school, the church and the council following the original submissions.

9. On 17 June 2013 I visited the school to view at first hand the school and its locality. I held a meeting with representatives of the church, representatives of the school and representatives of the council. I have considered all the information and representations put to me at that meeting and subsequently.

10. On the evening of the same day I held a meeting attended by over 180 parents, pupils and others at the John Loughborough School. I have considered all the information and the representations put to me at that meeting and subsequently.

The Proposal

11. The proposal is as follows:

Haringey Borough Council intends to discontinue the John Loughborough School from 31 August 2013. Parents or carers of pupils attending the school will be able to apply for places at other schools with places available in Years 7, 8, 9, 10 and 11 for the start of the autumn term, 1 September 2013.

Background and Context

12. The school was established in 1980 as an independent school and funded by the Seventh-day Adventist Church. In 1998 following negotiations with the council and the Department for Education and Skills, the school became a voluntary aided school funded through the council. The school has always been a small school (below 300 pupils) and has loyal supporters from among the families of some of those who have attended school. In 2007 Ofsted inspected the school and as a result of concerns about standards of attainment gave the school a notice to improve. In October 2009 the school was inspected and was placed into special measures.

13. Since 2007 the school has received additional financial and practical support from the council and other bodies. There have been three changes of headteacher and significant changes among the staff. In 2011 Ofsted again judged the school to require special measures and since that point the monitoring reports described some progress but have suggested a deficit in the degree of improvement that is required for the school to be considered to be offering an acceptable standard of education to its pupils.

14. The council's case for closure is based primarily upon the history of poor results over the last few years and to a lesser extent the council is concerned that as a small school it is financially vulnerable. This vulnerability is unlikely to reduce as the funding arrangements change from a local model to a national model.

15. The church and school argue that improvements are being made and that standards will improve. They have concerns about events that took place in 2007 when the council intervened to remove the headteacher and set up an Interim Executive Board (IEB) in place of the governing body. It is clear from the correspondence and from reading the documentation that has been presented to me that there have, in the past, been significant difficulties in the relationship between the council and the school.

16. In 2012, a report was commissioned to look at the school and to come up with some recommendations about the best way forward. A range of different options were explored. The conclusion from this report was that there were two feasible options for the school. The first was closure and second was to become

a sponsored academy. The council took responsibility for initiating closure discussions and the church was leading the exploration of academy sponsorship options.

17. One sponsor was found but when the case for this sponsor was put to the Department for Education, the DfE rejected the option on the grounds that the sponsor did not have the experience or the capacity to undertake the work required to improve the school.

18. In September 2012 the council began discussions on the option of closure. A consultation took place between 1 October and 19 November 2012 and in December 2012 the council decided to publish a notice of proposed closure. The closure notice was published in the Haringey Advertiser on 4 January 2013 and circulated widely by letter on 7 January 2013.

19. The consultation period ran from 7 January until 17 February 2013. The council held a series of meetings and received correspondence from individuals, the school and the church.

20. Following the consultation period, the council considered the responses made and a report with a large number of appendices was considered by the council on 16 April 2013. The council considered the report and decided that it should proceed with the closure of the school. This closure was scheduled for August 2013.

21. When informed of the decision, the school governing body decided that it wished to appeal to the adjudicator against the decision. A letter was sent to the council on 28 May 2013 and this letter was forwarded by the council to the OSA.

The Proposal

22. The council states that raising standards is the primary aim of this proposal. It believes that the students who are attending the school are not achieving the level of examination success that they would be able to achieve if they attended alternative schools. The council has provided a substantial array of statistics that show comparative data to illustrate the underperformance between the school and other schools in the area.

23. The council has set in motion arrangements for pupils at the school to be able to apply for places in other schools in the borough or beyond and intends that pupils will move to their new schools at the beginning of the autumn term 2013. As result of concerns raised in the consultation, special arrangements are being made for students currently in year 10 so that they can have continuity of learning. The council has negotiated with another high school in the borough, Parkview High School, to establish new classes in September for the current year 10 so that the year group can remain together as a cohort. Work is underway to map the courses that the students are taking and the exam boards involved so that the school can teach the students the syllabus that they are currently working in order to provide the best possible continuity.

The Objection

24. The school argues that the consultation process carried out by the council was flawed in a number of respects. The areas of concern are that the council failed to consult properly prior to the decision to publish a statutory notice in December 2012; there was insufficient information provided in the consultation document; the consultation on the needs of children who have special educational needs (SEN) and other children with protected characteristics was unsatisfactory; that the proposals were not sent to the required parties within seven days of the publication of the notice and that the council failed to take proper account of the objections made. The school further argues that the decision-making process has failed to take account of improvements that are taking place at school and draws attention to the events that took place at the school in 2007 concerning the council's desire to replace the headteacher. The school contends that these actions contributed to the deterioration of relationships that led to the school being judged to require special measures by Ofsted. The school also contends that the council has not supported the school sufficiently in its attempts to find an academy sponsor.

Consideration of Factors

25. I have considered the statutory process and the proposal afresh taking careful account of the arguments put to me by the proposer, the church and the school, as well as the parents and interested parties who have written to me or made submissions.

26. I would like to express my appreciation of the time, the thought and the care that has gone into the many submissions. I have read and carefully considered everything that has been sent to me and the considerations below take account of the views of interested parties.

27. The factors I have taken into consideration include:

- the consultation process;
- the decision making and academy application
- standards issues in the school and the local area;
- admissions patterns and travel;
- site related issues;
- finance;
- community cohesion; and
- staffing issues and disruption to children's education.

The consultation process

28. The appeal by the school sets out a series of concerns about the

consultation process. In April 2012 council officers worked with members of the South East Conference of the Seventh-day Adventist Church to conduct a review of the school. The review considered a number of options for the future of the school including continuation of the current strategy for school improvement; soft federation; hard federation; amalgamation; suspension of delegated authority to the governing body; establishment of an interim executive board; and conversion to an academy and closure.

29. The review concluded that only two of the options were viable, they were that the school should become a sponsored academy or it should be closed. The first of these options, to establish the school as a sponsored academy, was to be pursued by the SEC. The other option, to consult on the closure of the school, was to be led by the council. Both of these options were pursued in parallel to avoid delay in finding the best outcomes for current and future cohorts of pupils at school.

30. On 18 September 2012 the council's Cabinet considered a report recommending consultation on the closure of the school. This recommendation was informed by the review that had taken place. Having considered the findings of the report the council decided to proceed to consult on the closure of the school. It recognised that this was a course of action that was to run in parallel with the SEC's search for a sponsor. Consultation took place between 1 October 2012 and 19 November 2012. During that period the council received 109 responses of which 79 respondents either disagreed or strongly disagreed with the proposal to close the school and 22 either agreed or strongly agreed with the proposal.

31. The council produced a consultation document that met the requirements of the Regulations and followed the associated guidance entitled "Closing a Mainstream School" (the guidance). The school claims that there was no proper consultation with the school staff and governing body in this period. The council states that the consultation was established so that all interested parties had ample opportunity to communicate their opinions through the process. Although the school and governing body may feel that they would have like to have more discussion, I do not consider that the council failed to consult with the school at this time and the school was able to, and did, submit its views as part of the process.

32. The school is also of the opinion that the consultation on the needs of children who have SEN and other children with protected characteristics was unsatisfactory. The council has explained the steps it took to ensure that all parties were informed about the consultation. While the council did not specifically consult about the needs of children with SEN, it argues that the consultation was about the needs of all the pupils at the school and that all pupils and their families had the opportunity to give their views.

33. On 13 December 2012, the outcomes from the consultation period together with other considerations relating to whether or not a statutory notice should be published were presented to the council's Lead Member for Children's Services who agreed to publish a notice proposing closure for the following reasons:

- a. the education being delivered at school had not been good enough over a long period of time;
- b. a sponsor to support the school in becoming an academy had not been secured despite intensive work to make this happen;
- c. targeted support for the school by the council and the SEC over an extensive period had seen no sustained significant improvements made to the standard of education within the school; and
- d. the GCSE results continued to be significantly below the Borough averages, national averages and the government's floor standards.

34. On 4 January 2013 a notice dated 7 January 2013 was published in the Haringey Advertiser setting out the council's proposal to close the school with effect from the end of summer term 2013. During the representation period that followed, lasting until 17 February 2013, a public meeting was held on 28 January; a parents', carers' and pupils' meeting held on 29 January and a staff meeting held on 11 February 2012. During the representation period the council noted all the opinions made at the meetings, it also received 14 individual representations and 1705 standardised letters.

35. The key themes of the representations were that respondents felt that the school does provide a strong standard of education and is making positive progress. Respondents felt that the school provides a good moral and spiritual education for its pupils and that more time is required in order to address the weaknesses that had been identified by Ofsted. There were calls for further support and resources to help the school improve and observations that behaviour is now good in the school. Others observed that in their opinion, the reason the school is now in difficulties is because there is a history of turbulent relationships over the last six years. It was also noted that the school is popular with black Caribbean pupils, especially those who are not doing well at other schools and that the smallness of the school encourages pupils to have a greater sense of pride in their school than they would have if they attended a different school. It was also suggested that other schools cannot provide nurture and care for pupils as well as the school and that other schools will not provide good role models or that other schools will not be able to provide the Seventh-day Adventist support as the school does.

36. The school and the church claim that the council failed to take proper account of the representations made during the consultation and representation periods.

37. The council's paper details all the issues that were raised through correspondence and through the meetings and through other means. The council members had access to all the issues raised. Nevertheless, it is clear that those associated with school feel that their views had not been taken into account in the decision-making process. Given that all of the opinions and views have been clearly and comprehensively documented in the council papers, it is difficult to be convinced by the argument that the views have not been sought or understood. However, in making their decision for closure the

council has had to balance its view about floor standards at the school and prospects for improvements with the opposing views expressed by supporters of the school. It is understandable in the circumstances that those with a different view to the council members making the decision will feel that their view was not taken into account when the decision was made. However, I can see no evidence to support the opinion that the opposing views were not considered when the decision was made.

38. In my discussion with the different parties it is clear that the communications between them have been limited. There is little evidence of exchanges of views and information between the three main parties and it leads me to comment that all parties have communicated less than might have been desirable in the last 12 months. The council assumed that the school and its governing body would respond to the consultation in the same way as it anticipated responses from other stakeholder groups, the governing body would have preferred to have had a meeting to discuss the issues.

39. The school claims that the council has communicated directly with parents without prior discussion with the school and it is true that at the point that the decision was made for closure in April 2013 the council wrote directly to parents to inform them of the decision and to inform them of the next steps. The council states that when it has written to parents it has always sent a copy of the correspondence to schools and this does also appear to be the case. It might have been desirable if, alongside the formal interchanges, there had been informal communication by all the main parties just keeping in touch and the school being informed about letters in advance and not simply receiving copies of letters sent.

40. The school and the council are engaged in a disagreement about the future of the school. Parents have been receiving information from both parties with the results that pupils and their families are unsure where they are in the process and are not receiving coordinated leadership from the school and the council about what they should be doing. At the point when the council embarked on the statutory consultation process, some parents comment that they felt there was no point in engaging since they thought that the council had made up its mind before the consultation took place. It is difficult to find evidence to prove or disprove this, however, the full account of the all the representations within the council committee papers is evidence that those making the decision were aware of all the views that had been expressed.

41. There were many thoughtful, and passionate responses to the consultation, many have expressed their support for the school, some from their perspective as former pupils or staff, others through links with the church. There have been no new proposals emerge from the consultation, only an indication of the level of support for not closing the school so that the school has an extension of time to improve.

42. The council has referred carefully to the Regulations and has set out clearly in its reports how it is aware of its statutory responsibilities throughout this process and how it has carried out these responsibilities. On the evidence presented I conclude that it has followed the process properly.

Seeking academy status

43. The report from 2012 produced two options for the future, one was closure of the school, and the other was to become a sponsored academy. The SEC took on the lead responsibility for seeking a suitable sponsor. However in recent letters from the school, concern has been expressed that the council did not provide sufficient support for this. The council has responded to this by pointing out that firstly, this was a task that the SEC had taken on and secondly that the council did support the school and the council's Deputy Director for Children's Services visited the DfE on 6 September 2012 with the Chair of Governors, the SEC education adviser, who is also a governor, and the potential sponsor. The DfE turned down the application.

44. The school also comments that it felt that it was being treated differently to other schools in the area and was being singled out for closure. The council has responded to this by stating that it is true. It has had to see the school in a different light because it was subject to special measures. Not only has the council invested in the review but it has also provided additional specialist support, assisted the school with building improvements and provided additional funding through the National Challenge scheme. From my discussions with the school, the church and the council it is apparent that there is currently no chance of finding a suitable sponsor in the foreseeable future.

Standards

45. The low standards at the school are the key reason that the council has decided to close it and these standards have been documented by Ofsted in recent years.

46. In February 2007, the school received a full inspection and the overall effectiveness of the school was judged to be grade four and the inspectors were of the opinion that the school required significant improvement and was given a notice to improve. There was variation in the performance of different subjects. Results were consistently good in English, art and information and communication technology but there were weaknesses in other subjects including mathematics, religious education and in French.

47. In the October 2007 monitoring inspection it was judged that the school was making inadequate progress in addressing the issues for improvement. Results in 2007 for end of key stage 3 tests and in GCSE examinations were disappointing and were poor. In May 2008 the school received a full inspection and was again given a notice to improve.

48. In January 2009 a monitoring inspection stated that the school was making satisfactory progress in addressing issues for improvements in the number of pupils attaining GCSE results comprising five or more grades at A * to C including English and mathematics jumped from 19% in 2007 to 39% in 2008. However, the October 2009 inspection judged that performance was unsatisfactory and the school required special measures and that improvements had not had time to become well established or sustained.

49. The monitoring report in March 2010 said that progress had been

satisfactory since the last inspection added and in a few subjects attainment was good, for example in art and design. In the period July 2010 to July 2011, the monitoring inspection stated progress was satisfactory.

50. In December 2011 a full inspection took place and the outcome was that the school was placed into special measures for a second time. The report said that:

“the headteacher and senior staff have secured some important improvements in outcomes for students. Behaviour is better than at the time of the previous inspection and students are now more willing learners. The trend of improvement indicated by student achievement in 2010 proved fragile and examination results in 2011 fell in key subjects and attainment is still low and not improving.... In the face of some significant challenges this is a school that is made some improvements since the previous inspection and satisfactory progress since the previous monitoring inspection.”....

51. The monitoring report from October 2012 states:

“since the start of the school year, tracking information and evidence from lessons including the scrutiny of books and files confirms that students’ progress is gradually improving. Nevertheless, the 2012 unvalidated GCSE results show an unexpected decline in performance in all subjects. Results in English which have generally been broadly in line with national average fell sharply. In comparison, results in mathematics, while still below expectations, improved significantly and were the best over the last four years.

Students’ overall underperformance masks the steep rise in the following subjects: religious studies, textiles, English literature, community languages, music, textiles, biology and physics. Good performance was sustained in art and ICT and most students who took the GCSE exam in food technology obtained high-grade.

Given the starting points of students, including the minority who join the school at different times during the school year with little or no spoken or written English, unvalidated data indicates that a large majority made the progress expected in English while it was below the national level in mathematics.

An increasing amount of good teaching is now evident, but there is not enough to ensure that standards can rise significantly and be sustained over time.”“The local authority continues to provide suitable support and training. However, while the support from the proposed sponsor is well coordinated, lack of communication about the letters sent to parents and carers and students about possible closure of the school has created anxiety in the community.”

52. The council has concluded from this Ofsted report and from its own data sources that the standards in the school are still not sufficient to be confident that pupils attending the school will attain the results that they should. The

council 's figures show that in the period 2008 to 2012 the GCSE results have not shown an improving trend and that the results for the school have been consistently the least good of all the schools in Haringey over that period. It is for this reason that the council is proposing closure and is confident that pupils will receive a better education if they attend a school which is judged good or outstanding by Ofsted.

53. When considering the standards issue associated with a school closure, the guidance states:

“Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.”

54. One of the arguments put forward by objectors to the closure is that pupils from Caribbean and other black ethnic backgrounds do better at the school than they would at other schools in the borough. The council disputes this and has produced data that show that over the same five year period Caribbean and other black pupils attending the school did less well than Caribbean and black pupils attending other schools across Haringey.

55. Another argument put forward by objectors is that they think the value added by John Loughborough School is very good and the pupils make good progress even if they may not previously have made such good progress. The statistics presented by the council suggest that this is not the case and show that the value-added scores for the school are the lowest for all the schools in Haringey in both 2011 and 2012.

56. The school has submitted its latest data to show how it believes it is improving and comments that the school is anticipating an Ofsted inspection in the autumn term and that any decision about closure should be postponed until after the inspection. The council comments that the figures show some improvement, but they are not showing the level of improvement that they believe is necessary for the school to achieve sustainable change. The school believes that it needs more time to improve, the council argues that it has had a lot of time and support provided and has still to show the evidence of improvement required.

57. Further comments made by some objectors have been that the support given to the school has been insufficient and ineffective. The council has responded by pointing out that four schools in the borough received funding through National Challenge. One is now outstanding; one is good; one a satisfactory and the fourth, the John Loughborough School, currently requires special measures.

58. Objectors have stated that the school has more students who have special needs than in other schools. The data does not support this assertion. The 2013 school census figures provided by the council show that that there are

0.8% (two pupils) with statements at the school compared to 2.9% across schools in the borough and that only 12.4% are identified at school action or school action plus compared with 25.9% across the borough.

59. The council has made the argument that standards in the school are not good enough and that standards will be raised by closing the school and moving the current pupils to schools where higher proportions of the school achieve five or more A*-C grades at GCSE including English and maths. The argument is convincing statistically and pupils who attend other schools are likely to have improved attainment. I am satisfied that there has been more than sufficient time for sustained steady improvement to have been achieved and this has not been evidenced.

Admissions patterns and travel

60. The demand for places at the school is low compared with other schools in the borough. For admission to the school in September 2012 there were 12 parents who named the school as their first preference and in 2013, 13 parents applied for places as a first preference.

61. The trend for admissions in the council area at secondary level is increasing as the bulge in pupil numbers in primary schools works through the school system. The removal of 300 potential places at the school will lead to a shortfall of places in the area by 2017. However the council reports that a new free school is under consideration in the area, other schools are being considered for expansion and that it does not anticipate a problem with providing secondary places if the school closes. The council has pointed out that the new school is only at the point of being under consideration and rejects the suggestion by the school that this is a linked proposal and should therefore have been published as such.

62. The council has shown the geographical distribution of pupils who attend school and it can be seen that there are pupils travelling from many parts of London with residence in 16 different London Boroughs. However, in January 2013, 175 of the 254 pupils at the school live in Haringey with a further 50 living in neighbouring Hackney or Enfield. The council has guaranteed to find places in its schools for all pupils currently attending school should they wish them. It is also stated that it will collaborate with the home authorities for the pupils living out of the borough if required.

63. The SEC provided data that shows that just over a third of pupils in the school are Seventh-day Adventist (in 2011 the figures were 94 out of a school population of 279).

64. The council has demonstrated that it has planning in place for the anticipated increases in pupil numbers in secondary schools over the next few years. It has shown that it is not dependent upon the 300 places at this school. The faith nature of the school and the potential alternative schools for these pupils have been addressed in the planning papers.

Site related issues

65. The school received capital funding from the building schools for the future programme which enabled some capital work to be undertaken. The school site is constrained and potential for expansion or growth of the premises is limited. The school does not have a playing field, but can use a local park for team games. The buildings are multi story and would provide a challenge for a pupil who is unable to manage the stairs. The school has had to work within the constraints imposed by the buildings and site. The absence of scope for expansion and the absence of good sporting facilities make it difficult to see how the premises can play a part in assisting the school to significantly raise and sustain its performance.

Finance

66. The council has made the point that the school has had a deficit budget for the last few years and cites finance as one of the issues that justifies closure. The church has made it very clear that it has funding available and that it is willing to make financial contributions to ensure the sustainability of the school. As a small secondary school with less than 300 students, there will be few economies of scale in the school and in order to ensure that there are sufficient specialist staff available to cover the curriculum, it is inevitable that the per-pupil cost of a small school will be greater than the per-pupil cost of a larger school. The school budget is in the region of £2.5million and with a maximum roll of 300 pupils the per capita cost of a place is just over £8000. The church made a contribution of over £200,000 to the school in 2012. While the church confirmed that it has the resources to cover any deficit that the school might have, neither the council, the school nor the church were able to speculate how the school funding would look when the new national funding formula comes into place in the future. The council believes that the school will struggle financially and the church argues that it has the resources to bridge any financial gap that may crop up from year to year. These two opinions are irreconcilable and I accept the assurances that the church is willing to bridge any financial gaps that may crop up from time to time. The school has been promised the support of the church so on that basis the school appears to be financially viable under the current budget arrangements. In recent years the school has not provided good value for money since the additional resources allocated for support have failed to bring about the improvements in standards that are necessary.

Community cohesion

67. The school is one of three Christian schools for secondary aged pupils in Haringey and its closure would reduce the capacity of Christian secondary schools in the borough and remove the only free provision available for Seventh-day Adventist children in the UK. The educational system of the school is based on the beliefs and faith of the Seventh-day Adventist Church and with just over a third of pupils in 2011 belonging to the faith, closure would have a negative impact on those families who prefer their children to be educated in the school that embodies the ethos of their religion. The council has stated that it will offer places to those who wish their children to be educated in one of the other faith secondary schools in the area.

68. Since a significant majority of the pupils at the school from Caribbean and other black communities, the effect of closure on pupils attending the school would fall almost entirely on groups from the black and minority ethnic groups. As with other Haringey secondary school populations, there are high proportions of Black Caribbean, Romany Gypsy, East European and Latin/central/South American pupils attending the school. All the schools in the area have a mixed population and the council has offered to help find places at nearby schools for pupils displaced from this school if it closes.

69. The school has a relatively low proportion of pupils with special educational needs. They nevertheless form a vulnerable group who could be particularly affected by closure of the school and the council must ensure that their needs are properly met elsewhere.

70. In my previous comments about admissions and travel it can be seen that the majority pupils attending the school live within the borough or neighbouring boroughs and although the school has a very wide draw in reality only about 10% (25 pupils) of the school population travel a considerable distance to attend the school. The council has undertaken to manage the transition to a new school for all the existing pupils. Those who travel from out of the borough will not have access to the council's support if they choose not to travel to an alternative school in Haringey, but to find an alternative school nearer home.

71. Opponents to this proposal for closure have made much of the loss of the facility to the community. The council in response points out that the low number of parents seeking the school as their first choice in recent years highlights the lack of support for the school from its community. There are pupils who attend the school who did not give the school as their first preference and others may have joined mid-year for a variety of different reasons.

72. The council has completed an impact assessment and the early version of this document was included with the decision making papers. It is described as a dynamic and changing document that will be kept up to date and reviewed as circumstances change. It analyses the community issues and suggest ways forward to mitigate issues that are identified. There are no simple answers but the council has given a commitment to working with the community to manage these identified issues and other issues as they are identified.

Staffing issues and disruption to education

73. The staff of the school are affected by the closure proposal and if the school closes in August 2013 they will be made redundant. The council has offered support to them in gaining redeployment to other schools in the borough if they wish.

74. Pupils from school who are in year 11 will complete their GCSEs and leave as planned. Much concern has been expressed about the year 10 pupils who have nearly completed the first year of their two-year GCSE programme. The council has considered the best support it can offer to these pupils and in collaboration with a nearby school is proposing to offer all year 10 pupils the opportunity to transfer to the same school together where they can retain their identity and the staff will provide a special programme for them to enable them

to maintain continuity in their studies without the need to change to different examinations boards. Other students will have a choice of which school they wish to apply to and the council will assist them in gaining a place in a school.

Conclusion

75. I have considered this case with great care. I am well aware of its urgency and of the practical difficulties already created by the appeal. I understand the anxiety of parents confronted by uncertainty about the educational future for their children and their desire to see those uncertainties resolved. It is evident that the standards in the school are not good enough. The school and church have argued with passion that the school is improving and that it just needs more time to reach the level that is required and comments that the council has not waited for Ofsted's anticipated return in autumn term 2013 to assess whether or not adequate progress has been made. The council believes that it cannot wait and that signs of progress are insufficient and justifies its decision to close school with the argument that pupils who attend schools that have good or outstanding Ofsted judgements, higher exam results and a wider range of staff are more likely to achieve better educational outcomes than those who attend a school where a smaller proportion of the population achieves good results.

76. The school has sought to become a sponsored academy and in collaboration with the church identified a possible sponsor. The DfE looked at the possible sponsorship arrangement but did not approve it. An alternative sponsor has not been found since the DfE decision taken in autumn 2012 and there seems no prospect of an alternative.

77. At the public meeting I was impressed to hear the stories of past pupils who have gone on from the school to do well. I congratulate them on their achievement and wish them well. I did not hear the stories of pupils who had been less successful in their education and their subsequent careers. This in no way diminishes the achievement of those who have done well but left the feeling that only part of the story had been told.

78. The guidance states:

“For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. The decision maker should have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There should be a presumption that these proposals should be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.”

79. The performance of the school has been poor for some time now. A considerable amount of public money and time has been spent working to improve the school and yet the examination results do not seem to have

improved significantly. The opponents to closure would like to see more time and money spent on improvement. The council argues that public money would be better spent moving the pupils to schools where achievement is already good. The council gave financial concerns as one of its reasons for the decision to close the school. The church has made it clear that it has been willing to help the school manage any deficit that it might accrue and I accept this commitment. So while accepting that the church is willing and able to support the school financially, the argument that resources has been spent supporting the school with little tangible benefit remains. As a small school, the constraints of a pupil number led budget leads to a comparatively small staff and this in turn means the capacity of the school to employ specialist teachers is constrained. I have mentioned elsewhere the constraints of the site and the building.

80. There are nearly 200 pupils who need to change school if the school is closed and there is no doubt that they would find they need support through the period of transition, both academically and socially. The council has undertaken to find places in other schools for pupils and has made particular arrangements for year 10 pupils so that their examination studies receive the minimum of disruption. The council will need to consider what transitional one-to-one support for each the pupil could be provided to ensure that their individual transitions are successful.

81. This is a Seventh-day Adventist school and a third of the pupils belong to the Seventh-day Adventist faith. The council has offered to find places in other faith schools and will need to work with the families and the alternative schools to ensure that the faith issues are clearly understood and supported.

82. There is a lower percentage of pupils with identified special educational needs or with statements at this school compared to other schools, nonetheless, it will be especially important that these pupil's needs are carefully matched with a school that can meet them.

83. The consultation process leading up to this proposal has fulfilled the minimum requirements of the Regulations. However, at times when communication is understandably more difficult it becomes more important that all the different parties work hard to maintain open communication channels. In this case more informal communication could have taken place to ensure that, despite some fundamental areas of disagreement, the school, the church and the council were also talking together about how to ensure that pupils and their families were kept appropriately informed and advised about the process.

84. I can see that over the last six years level of attainment at the school has been poor and many pupils will not have attained the expected five or more GCSEs at the appropriate levels. The school has argued that standards are improving and the Ofsted monitoring confirms this in part. However, the scale of improvement required is such that it is difficult to see how the school can achieve this at the pace that is necessary while operating within the constraints it has of available staff resources, student numbers, available budget and the school site. There is a core group of people who have been associated with this school since it was set up and who support the school with passion. However, much has changed since the school was set up and as a publicly funded school it must achieve the curriculum requirements and standards expected of all

publicly funded schools. For these reasons and those set out above I am persuaded by the arguments for closure and in consequence I reject the appeal.

Determination

85. Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby reject the appeal against the decision to discontinue the John Loughborough School.

Dated: 11 July 2011

Signed:

Schools Adjudicator: David Lennard Jones