

## DETERMINATION

**Case reference:** STP/000571

**Proposal:** to establish Lubavitch House School (Junior Boys) as a voluntary aided school

**Proposer:** the governing body of the Lubavitch Foundation

**Date:** 31 May 2012

### **Determination**

Under the powers conferred on me in paragraph 13 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to establish a voluntary aided school in the premises of Lubavitch House School (Junior Boys) with effect from 1 July 2012.

### **The referral**

1. On 26 January 2012 the Acting Chief Executive of the Hackney Learning Trust (the Learning Trust) wrote to the Office of the Schools Adjudicator (OSA) referring a proposal made by the governing body of the Lubavitch Foundation (the Foundation), a registered charity, to establish a voluntary aided school in the premises of the independent Lubavitch House Junior Boys School.

### **Jurisdiction**

2. Schedule 2 to the Education and Inspections Act 2006, provides, *inter alia*, that, where a relevant decision normally falling to be made by a Local Authority cannot be made within the prescribed period, it shall be referred to the Schools Adjudicator.
3. In this case the School was unable to provide the Learning Trust (which acts as the Local Authority in this case) with the information it required regarding its premises within the prescribed timescale, so the decision has been referred to me.
4. I am satisfied that I have the jurisdiction to determine the matter.

### **Procedures**

5. In considering this matter I have had regard to all relevant legislation and guidance.
6. I have considered all the papers put before me including the following:
  - the statutory notice of the proposal published by the Foundation;

- prescribed information from the proposer as set out in the relevant School Organisation Regulations;
  - copies of the material provided to inform the consultation on the proposal;
  - notes of the meetings at which the proposal was considered during the consultation period;
  - copies of the policies adopted by the Foundation in preparation for the move to the new status, including the proposed admission arrangements;
  - the most recent Ofsted inspection reports on the School;
  - copies of reports submitted by the chartered surveyors appointed to check the compliance of the school's buildings with the Education (School Premises) Regulations 1999; and
  - a copy of a letter sent on behalf of the Secretary of State, dated 21 May 2012, confirming his agreement to a relaxation of the Education (School Premises) Regulations 1999 insofar as they relate to school playing fields .
7. On 21 March 2012 I visited the School to view at first hand the accommodation and to meet representatives of the Foundation and of the Learning Trust.

### **The Proposal**

8. The proposal is that a voluntary aided school with a religious character be established in the premises of the Lubavitch House Junior Boys School.
9. The proposer submits that the proposal will:
- a. meet demand for primary education in accordance with requirements of the Orthodox Jewish religion, including the requirement that boys and girls be educated separately;
  - b. improve the quality of the education received by pupils at the school; and
  - c. secure more equal opportunities, as the Foundation's school for girls is already a voluntary aided school.

### **The View of the Proposed Maintaining Authority**

10. The Hackney Learning Trust, operating as the Local Authority in this case, supports the proposed change.

## **Consideration of Factors**

### **Standards**

11. The most recent Ofsted inspection found the School to be satisfactory overall, and identified a number of ways in which it could improve further. The School has made some progress on these areas for improvement. The proposed change of status will facilitate further and faster improvement. The Proposers anticipate that the additional resources likely to be available to the School as a voluntary aided school will make it possible to employ more and better qualified staff, and they have stressed their intention to do so. They have also committed to ensuring that the School plays its part in the wider community of schools in the Borough, thus benefiting from opportunities for curriculum and professional development. The Learning Trust has confirmed that it will work closely with the School to ensure that the potential for improvement and development is realised.
12. Recent improvements to the School's buildings have secured an enhanced learning environment which will contribute to improving standards.

### **Need for Places**

13. The school is already popular with members of the Orthodox Jewish community in the area, and the proposers have presented evidence of further demand for places if the School no longer has to charge fees for attendance.
14. The Learning Trust is satisfied that this additional provision of maintained school places is justified in the context of its demographic projections.

### **Diversity and Choice**

15. The proposal will enhance the range of maintained school options available for parents.

### **Community Cohesion**

16. Whilst the education to be provided in the proposed voluntary aided school will be distinctively Orthodox Jewish in character, the proposed admission arrangements will comply with the School Admissions Code and the Proposers intend that the school will be an active player in the wider community of schools.

### **Suitability of Accommodation**

17. The proposed voluntary aided school is to be housed in buildings which have been converted from a large residential house. The Proposers have carried out extensive improvements and modifications in order to ensure that the buildings meet the requirements of the Education (School Premises) Regulations 1999. I have seen the certificate provided by the chartered surveyor appointed to ensure that this work has been carried out effectively.

18. On my own visit to the site I observed that the premises, being on four storeys, are not ideal for a primary school. But I accept the Proposer's view that, with careful management, the accommodation is adequate.
19. The School is on a restricted site in a densely populated area. It has outdoor hard play areas, but does not have its own playing field. The Proposers have reached an agreement with the Borough Council affording them the use of facilities for team games at a local recreation ground. But these facilities fall short of the area specified in the Education (School Premises) Regulations 1999 for a school of the proposed size. The Proposers, supported by the Learning Trust, sought a relaxation of the normal requirements in the particular circumstances of this proposal. On 21 May, the Secretary of State advised that he approved such a relaxation.

### **Conclusion**

20. I have concluded that the Proposer is right in the view that the change of status is likely to lead to improvements in educational standards and to enable the School to meet the preferences of a larger number of families. Although the School's buildings are not ideal for a primary school, the work which the Proposer has had done to them is sufficient to meet the requirements of the Education (School Premises) Regulations 1999. The proposed use of detached playing fields, somewhat smaller than that normally required for a school of this size is not ideal, but is not unique in densely populated urban areas, and the Proposer has secured the necessary relaxation in the requirements of the relevant regulations. I have therefore concluded that the proposal to establish a voluntary aided school in the premises of the Lubavitch House School (Junior Boys) should be supported

### **Determination**

21. Under the powers conferred on me in paragraph 13 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to establish a voluntary aided school in the premises of Lubavitch House School (Junior Boys) with effect from 1 July 2012.

Signed:

Schools Adjudicator: Andrew Baxter

Dated: 31 May 2012