

DETERMINATION

Case reference: STP/000547

Proposals:

- 1. To discontinue Banners Gate Infant and Nursery School and Banners Gate Junior School.**
- 2. To establish a new Community Primary School in Sutton Coldfield, West Midlands on the site of the discontinued Banners Gate schools.**

Proposer: Birmingham City Council

Date of Determination: 6 June 2011

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 I hereby approve the proposals:

- 1. To discontinue Banners Gate Infant and Nursery School and Banners Gate Junior School with effect from 31 August 2011.**
- 2. To establish a new Community Primary School and Nursery on the site of the discontinued Banners Gate schools, in Sutton Coldfield West Midlands, with effect from 1 September 2011.**

The referral

1. On 19 April 2011 the Director of Children's Services for Birmingham City Council (the Council) wrote to the Office of the Schools Adjudicator (OSA) referring a proposal to establish a new Community Primary School, and related proposals to close two existing schools, in the Sutton Coldfield area of Birmingham.

Jurisdiction

2. On 13 December 2010 the Secretary of State for Education wrote to the Council granting consent under section 10 of the Education and Inspections Act 2006 (the Act) for the Council to publish its own proposals for the establishment of a new maintained primary school without recourse to a competition. The same letter confirms that, in such circumstances, the Schools Adjudicator is the Decision Maker.
3. On 3rd March 2011, having previously carried out appropriate preliminary consultations, the Council formally published the proposals. The public notice was in the form required by the Act, and included the proposals for the closure of the existing schools as well as for the establishment of the proposed new school.

4. I am satisfied that these proposals have been properly referred to me in accordance with Schedule 2 to the Act and Regulations made thereunder and that, therefore, I have jurisdiction to determine these matters.

Procedures

5. In considering this matter I have had regard to all relevant legislation and statutory guidance issued by the Secretary of State. I have considered all the papers put before me including the following:
 - the records of the informal consultations conducted by the Council prior to the publication of formal notices;
 - information about the Council's consideration of these matters;
 - prescribed information from the proposer as set out in the relevant School Organisation Regulations;
 - maps of the area showing the schools affected by the proposals;
 - full and detailed comments made by interested parties, including parents and local residents, in the course of the consultation processes;
 - the most recent Ofsted inspection reports for the schools involved.

Background

6. A number of years ago Birmingham City Council adopted a policy preference for all-through primary schools, serving Foundation Stage and Key Stages 1 and 2, as against separate infant and junior schools. Following some controversy in relation to this policy (two sets of proposals in 2004 were referred for consideration by the Adjudicator see case references STP/000115 & STP/000128) the Council concluded that this is not a policy which can be implemented in a blanket way across the authority; and it has subsequently brought forward proposals only where there is a sound case which can achieve strong local support.
7. The proposals considered in this decision arise from circumstances affecting the Banners Gate infant and Junior Schools in Sutton Coldfield. The two schools are co-located with children attending the Infant and Nursery School until they come to the end of Year 2, transferring to the Junior School on the same site for the last four years of their primary education. Both schools can accommodate 60 pupils per year group but, by the spring of 2010, numbers on roll at the infant school had fallen to a little over half the schools' capacity and the junior school was carrying significant surplus places. The infant school also found itself without a headteacher. The two governing bodies concluded that amalgamation would be desirable and asked the Council to begin the process to achieve that end.

Initial Consultation

8. In March 2010 the Council published a consultation document initially proposing amalgamation in September 2010 and outlining the case for change. The paper cited the low numbers and argued that, whilst numbers were expected to rise over the next few years because of an

increase in the birth rate, the schools would find it difficult to manage financially in the interim. Because of its greater overall size, an all through primary school would be better able to cope with lower numbers in each year group.

9. The paper identified a number of benefits to an all through primary school compared to separate infant and junior schools, as follows:
 - *“Firstly, with separate schools, there is a certain amount of duplication: the most obvious example of this is the Headteacher. Separate infant and junior schools must each have a Headteacher, whereas a combined primary school only needs one: the savings made on the additional salary can be used on other areas of the school.*
 - *A combined primary school provides greater consistency for pupils with one set of policies and procedures. The National Curriculum seeks to structure the seamless development of pupils’ knowledge, skills and understanding across all subjects from Key Stage 1 to Key Stage 2. This is more difficult when a child has to change schools at the end of Key Stage 1 and a combined primary school is in a better position to provide continuity because of the structure and management it can put in place. It is also easier for a primary school that teaches children from age 3 until age 11 to monitor pupil attainment and ensure they progress through the Key Stages.*
 - *Having a greater continuity across Key Stage 1 and 2 would also benefit the members of staff at each school. Staff would have greater opportunities for professional development and would be able to work in, or gain greater understanding of, the full range of primary school year groups.*
 - *There are also benefits in terms of the children’s personal and social development, which can be supported throughout the primary school years without a change of school at age seven. In a combined primary school, older pupils can provide models of work and behaviour e.g. peer tutoring, paired and shared reading and many opportunities exist for older pupils to take responsibility for younger pupils in a variety of social and learning contexts. In addition, there is a greater likelihood of siblings being educated at the same school creating good opportunities to support sibling relationships and engender sibling responsibility.”*

10. As part of the consultation process separate meetings were held for the benefit of school staff and parents. The minutes of these meetings record discussion of a number of issues. Points raised at the staff meeting included:
 - Concerns about the number of staff who would be required in the amalgamated school and the impact on staff employment.
 - Would there be a new staffing structure and would new contracts be issued?
 - Questions about the structure of the new governing body.
 - Questions about timing and the process of change.

11. Credible answers and explanations were given at these meetings to the effect that no school could guarantee jobs if it had falling rolls. The amalgamation would have a positive impact on retaining staffing at current

levels and no job losses were planned; but no-one could give a full guarantee. A new single governing body would be formed, drawn equally from both existing bodies and would be responsible for staffing at the new primary school. Undertakings were given to keep staff informed during the process.

12. Points raised at the parents' meeting included:

- The issue of timing, some asking "why does it take so long" and others arguing that completing the process by September 2010 would be "cutting it fine."
- Questions about the admissions criteria and process.
- Implications for falling rolls and 'marketing' the new school.
- How the amalgamation would financially affect the school(s) and seeking reassurances that they would not suffer.
- Would there be money for re-development of the two schools?
- Concern about low level of attendance at the meeting and 'lack of interest' from other parents.
- Would more nursery places be available?
- Staffing - with particular reference to the position of heads and deputies and how the two staff groups would be brought together.
- Assurances were sought that parents would be given regular updates /feedback about what was going on.
- Could children be involved and informed about what was going on, to ensure that have their say?

13. The minutes record reassuring answers being given to all the points raised that the proposals would not be disruptive or have any significant impact on staff or children. All concerned would be informed, involved and consulted; and implementation would be carefully managed to bring the two schools together seamlessly.

14. It would appear that the answers given at the meetings were deemed satisfactory by participants as no written responses were received within the consultation period.

15. Following this consultation the Council agreed to proceed with the proposal. However progress was halted by the lack of response from the Secretary of State on the request for permission to publish proposals outside a competition.

The Statutory Proposals

16. Although consent to publish proposals outside a competition had been sought in February the general election and change of government supervened. Consent was eventually given by letter in December 2010. Following further consideration internally, statutory proposals were published early in March 2011 as detailed above. No formal objections or representations were received in response to the proposals which were then forwarded to the OSA in April 2011.

Consideration of Factors

17. These proposals are interdependent: it is impossible to approve or reject any one of them without such a decision having a knock-on effect for the proposals as a whole.

Standards

18. The Council has not submitted that there is any specific need to address poor standards. Nonetheless, one of the principal reasons for the adoption of a policy of promoting all-through primary schools was the Council's view that such an organisation was more cost efficient; and that larger schools where the task of managing teaching and learning is shared by a larger number of individuals are intrinsically better able to develop and sustain staff expertise. Such institutions are able to be more robust in terms of pursuing continual improvement. In turn this is likely to lead to improved academic standards as reflected in children's performance in tests at the end of Key Stages 1 and 2. Whilst it is recognised that children's attainment in these tests is a function of a number of factors, most significantly the quality of the teaching they receive, and that schools of all sizes both succeed and fail, this view is widely supported.
19. A very recent Ofsted report on Banners Gate Junior School (March 2011) rated the school "satisfactory" but "good" for the quality of leadership and management; and a judgement that it had good capacity for sustained improvement following a period of difficulty in the recent past. Banners Gate Infants school was judged to be "good" overall in January 2009; but inspectors noted this was achieved in spite of the school being managed by an acting head due to the long term sickness absence of the substantive post holder. There is still no substantive post holder and the current position is that the Head of the Junior School is acting Head of the Infants. So, although there is no pressing need to effect reorganisation in order to tackle under-performance or poor standards, the small size of both schools suggests that they may still be vulnerable if they remain separate.
20. The other arguments made by the Council in support of its preferred form of primary school organisation relate to continuity of curriculum planning, consistency of approach and sustained relationships between family and school. They argue persuasively that experience elsewhere demonstrates that the small school 'feel'; and a sharp focus on the particular needs of the youngest pupils, which can be a great strength of infant or first schools, can still be secured in primary schools with appropriate internal management.
21. One possible contrary argument against merger of previously separate schools is that the management of transition may itself detract from the maintenance of standards. However in this case, from the perspective of parents and children, there will in fact be very little change from the status quo. The currently separate schools will become the infant and junior departments of a new primary school and will remain in the same buildings. It has already been decided that (if the proposals go ahead) the

new Head will be the person who is currently substantive Head of one school and acting Head of the other. Any future changes in the leadership and management arrangements and the distribution of functions among the staff will be no more or less than might take place in response to the organic development and response to external circumstances of any school.

22. I have therefore concluded that, whilst there is no pressing need to tackle under-performance in these schools, these proposals are likely to contribute to securing higher standards in the longer term.

Value for Money

23. Some parents at the initial consultation meeting asked questions about the cost of the proposals, and whether the motivation for the change was financial. Capital investment in the site was never deemed a necessary condition for approval of the proposals as the buildings are adjacent. Doubtless the amalgamated status of the institution would condition future consideration of development or refurbishment on the site but there are no such immediate plans. Because of the operation of school funding formulae the revenue cost to the Council of a single institution will be slightly less than the sum of its two predecessors, with the balance being distributed amongst all schools across the authority. However it is generally accepted that the loss to the combined budget will be outweighed by the economies of scale available to the single school. There will therefore be a sharing of the benefit of improved value for money between this school and the wider school system.

Travel to School & Need for Places

24. The absence of any alteration to the location of the new school or its admissions policy means that there will be no change to travel to school arrangements for parents or children.

25. The existing schools are under-subscribed, but the Council believes that rising birth rates in the area will lead to increased demand in the near future. So, whilst there are currently some surplus places, it would not be prudent to reduce capacity at this time. Since the proposals will not change overall capacity, or the location of provision, they can be approved without prejudice to other schools in the area.

Views of Interested Parties

26. This proposal was initiated jointly by the two governing bodies which have remained in favour throughout. The views of other interested parties were canvassed by the Council during the informal consultation. As noted above a number of issues were explored at two meetings early in the process but none of these had been translated into specifically articulated concerns by the end of the consultation period. The planned implementation date was delayed by a year as result of external circumstances (the ten month wait for the Secretary of State's consent) but

this delay seems to have had the result of consolidating support as the formal proposals stimulated no responses at all. I conclude therefore that the proposals enjoy both significant local support and universal acquiescence.

Conclusion

27. I have concluded that it is appropriate to approve the proposals made by the Council. I judge that the proposed arrangements are likely to contribute to the long-term sustainability and quality of primary provision in the area, and to facilitate further improvements in children's learning and consequently higher standards.

Determination

28. Under the powers conferred on me by the Education and Inspections Act 2006, I hereby approve the proposals:

- To discontinue Banners Gate Infant and Nursery School and Banners Gate Junior School with effect from 31 August 2011.
- To establish a new Community Primary School and Nursery on the site of the discontinued Banners Gate schools, in Sutton Coldfield, West Midlands, with effect from 1 September 2011.

Date: 6 June 2011

Signed:

School Adjudicator: Alan Parker