

## **DETERMINATION**

**Case reference: STP/000543**

**Proposals:**

- 1. to establish a new Community Primary School in Lingwood**
- 2. to discontinue Lingwood First and Nursery School and Lingwood Junior School**

**Proposer: Norfolk County Council**

**Date of Adjudicator's Determination: 3 May 2011**

### **Determination**

**Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby approve the proposals:**

- 1. to establish a new Community Primary School and Nursery in Lingwood with effect from 1 September 2011;**
- 2. to discontinue Lingwood First and Nursery School and Lingwood Junior School with effect from 31 August 2011.**

### **The referral**

1. On 14 March 2011 the Director of Children's Services for Norfolk County Council (the County Council) wrote to the Office of the Schools Adjudicator (OSA) referring a proposal to establish a new Community Primary School in the village of Lingwood, and related proposals to close the two existing schools in the village.

### **Jurisdiction**

2. On 15 November 2010 the Secretary of State for Education wrote to the County Council granting consent under section 10 of the Education and Inspections Act 2006 (the Act) for the County 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 28 January 2011, having carried out appropriate preliminary consultations, the County 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.
6. I have considered all the papers put before me including the following:
  - a. the records of the informal consultations conducted by the County Council prior to the publication of formal notices;
  - b. the agenda and supporting papers for the meetings of the County Council's Cabinet at which these matters were considered;
  - c. prescribed information from the proposer as set out in the relevant School Organisation Regulations;
  - d. supporting documents relating to the attainment of Norfolk pupils at the end of Key Stage 2 and the relationship between attainment and the organisation of the schools attended;
  - e. maps of the area showing the schools affected by the proposals;
  - f. full and detailed comments made by interested parties, including parents and local residents, in the course of the consultations processes;
  - g. the most recent Ofsted inspection reports for the schools involved.
7. On 11 April 2011 I visited all the schools directly affected by the proposals, to view at first hand the accommodation and locality.

### **Background**

8. Over the past twelve year Norfolk County Council has been reviewing school organisation in areas where the age range served by schools is not aligned with the Key Stages of the National Curriculum. In respect of primary schools, the County Council has adopted a policy preference for all-through primary schools, serving Foundation Stage and Key Stages 1 and 2 wherever practicable. The County Council has rightly judged that this is not a policy which can be implemented in a blanket way across the county, and has sought to examine its applicability in a series of reviews of local provision.
9. The proposals considered in this decision arise from one such review, covering the schools in the village of Lingwood.
10. In the current arrangement children attend Lingwood First and Nursery School until they come to the end of Year 3, transferring to Lingwood Junior School for the last three years of their primary education.

## **Proposals**

11. The County Council has proposed that both of the existing schools should close to be replaced by a new all-through primary school eventually to be built on a new site in the village. In the first instance, however, it is proposed that the new school will operate in the premises of the existing Schools with additional temporary accommodation being provided on the site of the Junior School, so that Key Stage 2 pupils can all be educated on the same site.
12. For the purpose of interpreting some of the responses to the proposals, I note that at an earlier stage the proposal was that the new school would be accommodated on the site of the First School with additional building, initially temporary, on that site. This has been superseded by the proposal summarised in paragraph 11 above.
13. In support of the proposals, the County Council makes the following principal points.
  - a. National and local evidence points to all-through primary schools as being more likely to secure high standards than separate schools for Key Stages 1 and 2.
  - b. This argument is strengthened in cases, such as this, where one of the schools serves only part of a Key Stage.
  - c. The reorganised system will eventually be more cost-effective, as it will secure a closer alignment between pupil numbers and school places and will reduce management and premises-related costs.
14. The proposal is supported by the governors of both schools, although both bodies have a number of practical concerns about the management of the change.

## **Objections**

15. Most of the objections to the proposals relate to a range of practical considerations. These include the following points.
  - a. Operating the school on two sites will result in waste of teacher time moving between the sites.
  - b. The temporary arrangement will necessitate the use of temporary accommodation which provides a less good learning environment and will be poor value for money.

- c. A split site will be divisive, so the amalgamation should only be implemented when it is possible to build the new, purpose-designed primary school.
  - d. The Junior School is in a dangerous location, and parking is very difficult there. Nothing should be done to increase the number of cars collecting children at this point.
  - e. The Schools as currently organised already give rise to considerable disturbance and inconvenience to neighbours. Nothing should be done which would exacerbate this.
  - f. The process of change is likely to have an adverse effect on standards.
  - g. As there can be no guarantees about the timing of the new building, it would be better to retain the status quo, avoiding the need for temporary accommodation, until the site and funding for a new set of buildings have been confirmed.
16. Those expressing disagreement with the principle of the merger make the following principal points.
- a. The First School has a range of specialist facilities and expert staff. These would be unlikely to be replicated in an all-through primary school.
  - b. The County Council's research is flawed in that it does not take into account the long-term attainment of pupils assessed at the end of their secondary education. Neither does it give sufficient weight to other factors such as the social and emotional development of younger children which can be better nurtured in a specialist infant or first school. In particular, sharing a building with older children will be difficult and frightening for the youngest children.
  - c. Any new site is unlikely to offer the extensive playing fields available to the two schools as currently organised.
  - d. The transition from a First to a Junior School provides children with positive experience of change which is helpful in their subsequent move to secondary school.

### **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.

## **Rural Schools**

18. Both of the schools proposed for closure in these proposals are designated rural schools. The guidance provided by the Secretary of State for Education for Decision Makers includes a presumption against closing rural schools. The presumption does not mean that such schools cannot be closed, but it does mean that Decision Makers have to be satisfied that there are strong reasons for setting the presumption aside in the particular circumstance of the proposal. I have carefully considered this aspect in the context of the issues identified in the guidance.
19. The guidance states that the presumption against the closure of rural schools will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. Although the schools in this case are not currently on the same site, the closures proposed in this case will only be implemented if the proposed establishment of the new primary school is also approved. This ensures that the community continue to enjoy substantially the same range of education services as it does at present. Indeed, it is the governors' and the county Council's view that those services will be improved.
20. I have therefore concluded that the presumption against closure should not be a significant factor in this determination.

## **Standards**

21. The County Council has not submitted that the need to address poor standards is central in this case. Nonetheless, one of the principal reasons for the adoption of a policy of promoting all-through primary schools was the County Council's view, based on the evidence available to them at the time, that such an organisation was 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, the County Council has produced some persuasive local data relating to schools where its policy has been implemented.
22. Those who oppose the closure of the First School point to the range and quality of the work done in there. This view is confirmed by recent Ofsted findings. A recent Ofsted report on Lingwood Junior School is positive, including a judgement that it has satisfactory capacity for sustained improvement. There is no pressing need to effect reorganisation in order to tackle under-performance or poor standards.
23. The other arguments made by the County 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 sharp focus on the particular needs of the youngest pupils which can be a great strength of

infant or first schools can be secured in primary schools with appropriate internal management.

24. On balance, I have accepted that, whilst there are many examples of successful infant, junior and first schools, the arguments in support of all-through primary schools in Norfolk do tend to support that form of organisation in circumstances like those in Lingwood. I certainly accept that the particular needs of the youngest children – social and emotional as well as academic - can be very effectively met in all-through primary schools.
25. The schools named for closure in these proposals are relatively small. Such schools are vulnerable to small changes in circumstances, such as a drop in pupil numbers, a change in staff or leadership. There is considerable evidence to suggest that larger schools are more robust and in a stronger position to sustain success, and the County Council is right to consider options which deal with the vulnerability.
26. I have considered the concern that if the new school is to operate on two sites it will waste teacher time and therefore detract from the achievement of higher standards. The efficient internal organisation of the proposed primary school will be a matter for the head teacher reporting to the governing body of the school, but I see no reason why this internal organisation should make significant demands on teacher time, other than that of the head teacher him/herself. Such movement between sites as may be considered productive for the purposes, for example, of staff meetings and joint planning, need not take place during the school day.
27. The concern that the management of transition may itself detract from the maintenance of standards is one which the governors and head teacher of a new school will have to take very seriously. In these circumstances, the separation of the two principal elements of change – staffing and accommodation - should assist. By the time the school is to move into its new buildings any changes in the leadership and management arrangements and the distribution of functions among the staff will have been fully implemented.
28. I have concluded that, whilst there is no pressing need to tackle under-performances in these schools, these proposals are likely to contribute to securing higher standards in the longer term.

### **Value for Money**

29. Many objectors refer to the cost of the proposals, and of the temporary accommodation in particular. It is argued that temporary accommodation is necessarily inferior to permanent buildings represents poor value for money. It is submitted that implementation of these proposals should be deferred until the County Council is in a position to fund the construction of a purpose built primary school.

30. I note that most of the concerns about value for money related to the initial proposals which provided for the Junior School building to be vacated and for a significant amount of temporary accommodation to be provided on the site of the First School. The subsequent refinement to the proposal, namely that both sets of premises should be used pending the construction of the new buildings, reduces the reliance on temporary accommodation, and retains the excellent Junior School field for the use of the older pupils.
31. I am assured by the County Council that the temporary accommodation to be provided on the site of the Junior School to allow year 3 pupils to be taught with the rest of Key Stage 2 will be of modern design and construction, and that it will provide a good quality learning environment. It will be conveniently located on the site so as to contribute to the objective of improving standards by promoting curriculum continuity and progression within Key Stage 2. This space will probably be used for the oldest pupils, although this will be a matter for the head teacher designate once appointed.
32. I agree with the many respondents who argue that the full benefits of the proposals will only be realised when the County Council is able to provide the new school with its permanent accommodation. There is no suggestion that this will not represent value for money. The issue is the costs and benefits of the transitional arrangements. The revised proposals for the transition (which are the focus of this decision) reduce the capital cost of temporary accommodation, but increase the premises-related revenue costs. Against this must be set the other savings, principally in relation to management and administration costs which the early implementation of the proposals will secure. On balance, I judge that the transitional arrangements represent satisfactory value for money, and are to be preferred to an indeterminate period of uncertainty about the future organisation of primary education in the village.

### **Travel to School**

33. By securing primary education provision in the village the proposals ensure that local children will be able to attend a local school for the foreseeable future, making it possible for a significant proportion of children to walk to school.
34. Considerable concern has been expressed about congestion in the area of the Schools, especially around the Junior School, at the beginning and end of the school day. Similarly, a small number of respondents have commented that the Schools are not good neighbours in that they intrude into their privacy. Decisions on the eventual site and construction of the permanent buildings will provide an opportunity to alleviate some of these concerns.
35. The proposed transitional arrangements will have minimal effect on travel to school and associated road traffic.

## **Views of Interested Parties**

36. The views of interested parties have been thoroughly canvassed by the County Council during the informal consultation. I have been provided with extensive material setting out the views of a large number of local people, including parents and pupils. The principal factors are summarised in paragraphs 15 and 16 above. I have sought to take all this into account, but, as required by the guidance, have paid particular attention to the views of the people directly affected by proposals.
37. I note in particular that the proposals are supported by the governors of both schools and by the local parish council. The views of parents divided, but most of those who object do so on the basis of valuing aspects of the present arrangements or of various practical concerns, rather than opposition to the principle of all-through primary schools. Many of these concerns can be met by the County Council, the governors and/or head teacher.
41. It is clear that the County Council went to some lengths during the informal consultation stage to find a proposal which would address the issues it had identified and win the support of the Schools and the community they serve. It has already demonstrated its readiness to refine its proposals in the light of comment from local people, and has given reassurances about the involvement of governors in the development of plans for the permanent buildings.
42. I consider that the proposals enjoy sufficient local support to provide a basis for successful implementation.

## **Conclusion**

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

## **Determination**

44. Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby approve the proposals:



1. to establish a new Community Primary School and Nursery in Lingwood with effect from 1 September 2011;
2. to discontinue Lingwood First and Nursery School and Lingwood Junior School with effect from 31 August 2011.

Date: 3 May 2011

Signed:

School Adjudicator: Andrew Baxter