



## **DETERMINATION**

<b>Case reference:</b>	<b>STP615</b>
<b>Proposal:</b>	<b>To make a prescribed alteration to Parkwood Hall School to change from a community special school to a foundation special school with a foundation.</b>
<b>Proposer:</b>	<b>The Governing Body of Parkwood Hall School, Swanley.</b>
<b>Objector:</b>	<b>The Royal Borough of Kensington and Chelsea</b>
<b>Date of Determination:</b>	<b>25 September 2014</b>

### **Determination**

**Under the powers conferred on me in paragraph 14 of Schedule 1 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, I hereby approve the proposal made by the governing body of Parkwood Hall School to change category to foundation status and acquire a foundation on 1 November 2014.**

### **The referral**

1. On 23 July 2014, the chair of governors on behalf of the governing body (the proposer) of Parkwood School (the school), wrote to the Office of the Schools Adjudicator saying the governors had been asked by the Royal Borough of Kensington and Chelsea, the local authority (the LA) to refer the governors' proposal for the school to change category to foundation and acquire a foundation with effect from 1 August 2014 to the Office of the Schools Adjudicator.

### **Jurisdiction**

2. On 18 June 2014 the proposer formally published the proposal as required by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Regulations). The LA lodged an objection to the proposal on 16 July 2014 and requested the proposer to refer the proposal to the adjudicator.
3. The referral is made on the grounds that the proposal will have a negative impact on standards at the school. This is the only ground for referral to the adjudicator which is permitted by the Regulations. I am satisfied that I have jurisdiction to determine this matter.

## **Procedures**

4. In considering this matter I have had regard to all relevant legislation and guidance. I have considered all the papers put before me including the following:
  - the letter of referral from the governing body dated 23 July 2014;
  - the consultation papers published by the proposer on 24 April 2014 ;
  - a report on the consultation presented to the governing body on 2 June 2014 and minutes of that meeting;
  - the statutory notice and prescribed information published on 18 June 2014;
  - a report on the statutory consultation presented to the governing body on 21 July 2014 and minutes of that meeting;
  - the letter of objection from the LA to the proposer dated 16 July 2014 and subsequent correspondence between them;
  - the responses from the school to my enquiries regarding the statutory process dated 11 August 2014; and
  - the response from the LA to my enquiries regarding special educational need (SEN) provision.
5. On 1 September 2014 I held a meeting at the school attended by representatives of the school, the LA and the Co-operative College. I have considered the information and the representations put to me at and following that meeting.

## **The Proposal**

6. The proposal is that the school change category from community to foundation and acquire a foundation from 1 August 2014. The foundation would be named "The Parkwood Hall Co-operative Learning Trust" (the Trust). The proposal is for six trustees; two nominated by the school's governing body, one by Pro Corda, one by Wide Horizons, one by the Brent Knoll and Watergate Co-operative Learning Trust and one by the Co-operative movement. Foundation schools with a foundation are often called 'trust schools'.
7. The school contends that the proposal will provide opportunities to strengthen educational partnerships and thereby improve learning for the school's community. It expects the Trust will enhance the school's model of learning and offer additional contacts, ideas, research possibilities and professional consultancy to improve educational provision across all ages and for all members of the school's community.
8. Parents, learners, staff, members of the local community and

community organisations will be able to become members of the trust. The Trust will establish a stakeholder forum composed of members which will be able to appoint two trustees in addition to those listed above. The LA has also been invited to join the Trust.

9. The Trust will appoint a minority of governors to the governing body.

### **The Objection**

10. In their letter to the governors objecting to the proposal and asking for it to be referred to the adjudicator, the LA makes the following points:

- The school's business plan does not give the LA sufficient confidence that the school has a viable future in the context of the changing needs of young people.
- The proposals would have a negative impact on the standards at the school as the school's budget comes under increasing strain because of pressures from the large site and its buildings and reduced income from boarding places.
- The proposal does not address the changing nature of SEN or changes in the demand for boarding places.
- It is not clear how the Trust will support the school, what experience the partners have or their knowledge of the community.
- The LA has its own plans for the future of the school and is beginning consultation on them.

### **Background**

11. The school is a community special school located in Swanley, Kent, but has been maintained by the Royal Borough of Kensington and Chelsea since the dissolution of the Inner London Education Authority in 1990. It is a mixed school with between 70 and 80 pupils on roll. The school mainly serves pupils with moderate learning difficulties (MLD), severe learning difficulties (SLD) and autistic spectrum disorder (ASD). There are 50 boarding places available, but currently only about 30 of them are taken.

12. The majority of the pupils currently on roll are placed at the school by the London Boroughs of Bromley and Bexley. The figures presented to me show the LA had placed only three pupils at the school in August 2014.

### **Consideration of Factors**

13. I have considered the proposal according to the relevant sections of the statutory guidance for decision makers published in January 2014.

## Consultation and representation

14. The proposers began the process before the current regulations were in force. The former regulations required public consultation before publication of statutory notices, in the current guidance, there is a "*strong expectation*" that schools will consult during the development of proposals.
15. The proposers took the decision to consult on changing status and acquiring a trust at a governing body meeting on 21 November 2013. The LA was invited to this meeting as is required and did attend.
16. The school's consultation took place between 24 April 2014 and 23 May 2014. I have seen the consultation papers produced by the proposers and the report on consultation presented to the governing body. I am satisfied that this process was comprehensive and that the proposers took all views, including those of the LA, into account before proceeding to publish statutory notices.
17. I have seen copies of the statutory notices as published in the London Evening Standard, the Metro and the Bexley and Bromley editions of the News Shopper on 18 June 2014. The notice was also published at the school and sent to all parties required by the Regulations.
18. I have also seen the full proposals and have checked that they include all matters required by the Regulations. I am satisfied that all requirements for consultation and representation have been met.

## Education standards and diversity of provision

19. The school was last inspected by the Office for Standards in Education (Ofsted) in June 2012. In that inspection it was judged to be "good" in all areas. The school was also judged as "good" in all aspects of the inspection of residential provision undertaken by Ofsted in June 2013.
20. I have considered whether the partners in the proposed trust are likely to be able to help the school raise standards in the future. The partners are the Pro Corda Trust, Wide Horizons, Brent Knoll and Watergate Co-operative Trust and the Co-operative Learning Trust.
21. Pro Corda Trust is a music and educational charity established in 1969. Its focus is to educate young people in music and particularly in chamber music. Pro Corda works with children with special needs across the country including weekend courses, outreach programmes, and work experience. Their work within music and autism has been the subject of research studies. The school and other special schools in the area have been working with Pro Corda for some years and Pro Corda has confirmed its intention to join the Trust.
22. Wide Horizons is an adventure learning charity with centres in London, Kent, Dorset and Wales. It was formed in 2004 by the London boroughs of Greenwich and Lewisham. As well as providing outdoor learning and adventure activities for schools, it works with community

groups and provides professional development, training over 600 teachers each year. Wide Horizons has confirmed its intention to join the Trust.

23. The Brent Knoll and Watergate Co-operative Trust was established by two special schools in Lewisham. Brent Knoll is a school for children aged 4 to 16 with social, communication and interaction difficulties including autism, in 2011 it was judged by Ofsted to be a “good” school. Watergate is a primary school for children with SLD; in 2012 it was judged by Ofsted to be “outstanding” in all areas. This trust has links to higher education and health organisations and has confirmed its intention to join the Trust.
24. The Co-operative movement has developed a trust model which is operation at many types of schools in England including special schools. The model directly involves stakeholders in the governance of the trust through a members’ forum. Through the Co-operative College staff would have access to courses and training programmes up to masters level. While involvement of stakeholders and training for staff does not guarantee that standards will rise, I think that standards are more likely to improve as a result than decline.
25. In the letter of objection the LA questioned the experience of the partners. It would appear to me that all of the proposed partners in the Trust have experience of work in special schools and would bring different expertise to support the school.
26. The LA’s main concern over standards is that the school’s budget must support a large estate as well as provide teaching materials and teachers themselves. It is concerned that the proportion of the budget spent on the estate is increasing and this will lead to reduced provision for the children leading to lower standards.
27. As a foundation school, the school would receive the same funding it would as a community school. If there is a problem with an increasing proportion of the budget being spent on the estate rather than on learning the proposal will not make it any worse. They could however, through the proposed partners make more use of the estate and bring in some additional income.
28. I am not convinced that the proposal would have any adverse effect on standards at the school and think they have the potential to bring in additional expertise to help raise them.

#### Demand for places

29. In the papers I have read, both the LA and the school have concerns with the long-term viability of the school. The LA has provided me with figures showing an increase of over ten per cent in the number of young people with SEN in the borough from 2003 to 2013. The same figures show a change in the type of SEN with more than four times as many young people identified with ASD in 2013 as in 2003. In contrast

the number with MLD has fallen by about one third in the same period of time.

30. There is no special school within the LA area although a new school is planned to open in 2019. In 2013 there were 439 children with SEN living in the LA, currently just three are placed at the school. The other children who cannot be placed in mainstream settings are placed at schools in other boroughs and the private sector.
31. It is clear to me that there is an increasing demand for SEN places and a changing pattern of need. The LA is of the view that the school needs to change the type of SEN provision it provides in order to be viable in the longer-term and the LA has launched a consultation on the future role of the school. The question for me is whether the school's proposal prevents the discussion about its future role.
32. Annex A5 of the statutory guidance makes it clear that a LA can bring forward proposals to change the type of SEN, increase the number of pupils or close a foundation special school. The LA could not however bring forward proposals to change the boarding provision which it would appear to want to do in its current consultation. Proposals to change boarding provision can only be brought forward by the governors of foundation special schools.
33. This proposal would therefore prevent the LA from leading on changing one aspect of the school's character, boarding. The LA could continue to bring forward proposals for the school to provide for a different range of SEN.
34. As the proportion of pupils who board has been falling for some years it seems to me that this is something that the governors will need to address and there remains a route through which this can be done led by the governors.
35. At my meeting on 1 September 2014 and in subsequent correspondence it would appear to me that the school and LA recognise the need to work on these issues in partnership whatever the outcome of this determination.
36. Ultimately the LA has the same powers of intervention in a foundation school as it has in a community school should the governors fail to discharge their responsibilities properly.
37. I am satisfied that the proposals do not change the type or number of places at the school and there remains a mechanism for any necessary changes to be brought about to reflect changes in the demand for SEN provision.

#### Community cohesion

38. In its objection the LA said they were concerned about the partners' knowledge of the community. In the meeting on 1 September I explored the idea of community as a special school drawing its pupils

from 13 different LAs will have a different community to say a primary school mainly serving one housing estate. In this case it is the people associated with the school who form the community.

39. The Brent Knoll and Watergate Co-operative Trust is situated in a neighbouring borough and Pro Corda has drawn my attention to its work with children from Kent and surrounding London boroughs. It seems to me that the proposed partners have as much knowledge of the school community as anyone might have with the exception of the school itself.
40. The Co-operative movement's trust model sets up a stakeholder forum for parents, learners, staff and others. This forum will be able to appoint trustees with a good knowledge of the school community. I am satisfied that the proposal encourages community cohesion.

#### Date of Implementation

41. The proposal was to come into effect on 1 August 2014. At my meeting of 1 September 2014 I asked the proposers what alternative date would be most suitable should I approve the proposal. They said either 1 October or 1 November 2014. In a letter sent to me on 8 September the LA asked that if I approved the proposal I deferred implementation until 1 January 2015.
42. The LA wanted a later date so they could finish their consultation on the future of the school and complete any statutory processes that might follow it. I have discussed the implications of the school becoming a foundation school for the LA's powers to bring forward proposals to make changes above. I am also aware that paragraph 14 of Schedule 1 to the Regulations only requires me to consult the governing body about any modifications I may be considering. I clearly must make a modification to the date for implementation since that proposed by the governing body has passed.
43. Although the school has told me that the necessary documentation for the change is already prepared in anticipation of the original date, I have taken into account the time required to consider the matters put to me at the meeting and in the subsequent week when I allowed for any further comments to be sent to me before completing this determination. I do not consider 1 October a realistic option and have come to the view that the proposal should be implemented on 1 November 2014.

#### **Conclusion**

44. I agree with both the school and the LA that there are challenges facing the school from the changing pattern of SEN. For the reasons set out above I do not think that the proposal increases the risk to standards at the school. Furthermore the proposal does not prevent other changes being made to the role of the school to reflect future needs.

45. I therefore conclude I should approve the proposal for Parkwood Hall School to become a foundation school and acquire a foundation with effect from 1 November 2014.

### **Determination**

Under the powers conferred on me in paragraph 14 of Schedule 1 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, I hereby approve the proposal made by the governing body of Parkwood Hall School to change category to foundation status and acquire a foundation on 1 November 2014.

Dated: 25 September 2014

Signed:

Schools Adjudicator: Mr Phil Whiffing