

DETERMINATION

Case reference: STP/000542

Proposal: To discontinue Hampden Park Infant School and Highfield Junior School, Eastbourne, and establish a new community primary school

Proposer: East Sussex County Council

Date of decision: 13 May 2011

Determination

Under the powers conferred on me by Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals to discontinue Hampden Park Infant School and Highfield Junior School, Eastbourne on 31st August 2011 and establish a new community primary school in the present Highfield Junior School premises on 1st September 2011, conditional upon planning permission being given by 21st July 2011 for all the proposed building works that require planning permission.

The referral

1. On 15th March 2011, East Sussex County Council (“the Council”) wrote to the Office of the Schools Adjudicator, referring its proposals made under sections 10 and 15 of the Education and Inspections Act 2006 (“the Act”) for consideration under Schedule 2 of the Act. The proposals are to close Hampden Park Infant School (“the infant school”) and Highfield Junior School (“the junior school”), both community schools in Eastbourne, on 31st August 2011, and open a new community primary school (“the proposed school”) in the present junior school premises on 1st September 2011. The intention previously had been to propose that the amalgamation should be accomplished on 1st January 2011, but this intention was subsequently amended by the Council by substitution of the currently proposed dates.

Jurisdiction

2. On 21st January 2011, having carried out the appropriate consultation, the Council formally published the proposals on the basis of permission from the Department for Education (“DfE”). The notice was in the form required by the Education and Inspections Act 2006 (“the Act”). Since the Council was itself the proposer, the establishment proposals have been referred to me for determination under Paragraph 10 of Schedule 2 to the Act, and the discontinuance proposals as related proposals under Paragraph 15 of Schedule 2. I am satisfied that the proposals have been properly referred to me and that, therefore, I have jurisdiction to determine this matter.

Procedures

3. In considering this matter I have had regard to all relevant legislation and guidance.
4. I have considered all the papers put before me including the following:
 - the Council's referral letter with prescribed information as set out in the relevant regulations;
 - the Council's consultation document, papers describing the Council's processes of consultation and decision making, an analysis of the responses to consultation and a map showing the location of primary schools in Eastbourne;
 - the Council's application to the DfE for permission to publish a proposal to establish a new school without holding a competition, and the DfE's letter of approval;
 - a copy of the published notice;
 - Ofsted reports for the two schools and the Little Rockets Pre-School ("the pre-school");
 - replies from the Council to questions I posed; and
 - representations from some with an interest in the outcome of the proposals.
5. I visited the two schools on 27th April 2011, to view at first hand the existing schools' accommodation and the locality. I met with representatives of the two schools, the pre-school and the Council to clarify matters of detail, and I held a public meeting on the same day, attended by representatives of the Council and around 50 parents, children, staff, governors and others with an interest in the proposals. I have considered the information and representations put to me at both meetings, and the representations sent to me after the meetings.

The Proposals

6. The proposals are to amalgamate the present infant school and junior school as a primary school for pupils aged 4 to 11 in the junior school premises in September 2011. The Council has a policy of considering the possibility of such amalgamations in defined circumstances.

Views on the Proposals

7. Standards at both schools have been deemed to be lower than is desirable, and the Council believes that amalgamation would assist the process of improvement. Both schools have admissions numbers of 60 and both are undersubscribed. However, both schools have accommodation for higher numbers of pupils, and the Council argues that amalgamation would

remove surplus places.

8. In particular, the Council believes that contributions to raising standards would be made by:

- a consistent ethos and approach to teaching and learning;
- removal of the risk of regression from pupils moving school;
- greater opportunities from a larger budget and staff;
- greater administrative efficiency;
- higher leadership salaries contributing to good recruitment; and
- broader staff expertise being available for all pupils.

9. The Council has provided summaries of the results of its consultation exercise. 68.8% of the 77 written responses supported the proposals, 24.7% opposed the proposals and 6.5% were undecided. Although the numbers of responses making particular points were small, the most common responses:

- envisaged benefits from continuity of provision;
- expressed concern about junior school standards adversely affecting the proposed new primary school;
- envisaged benefits for parents in having children on a single site; and
- expressed concern about future site and facilities provision.

10. The governing bodies of the infant and junior schools have both expressed support for the proposals, and have established a temporary governing body with representation from both schools' present governing bodies which is progressing in its planning work. Some joint training and planning is taking place on the part of the two existing staff groups.

Consideration of Factors

Standards and Diversity

11. Ofsted reports for the two schools have recently been published.
- a. The infant school report of March 2011 referred to an above average proportion of children with special educational needs and/or disabilities. The report graded the infant school's overall effectiveness and most individual aspects as satisfactory. This included leadership & management, teaching and pupils' attainment, although the overall effectiveness of the Early Years Foundation Stage was rated as good.
 - b. The junior school report of March 2011 noted that the proportion of pupils with special educational needs and/or disabilities was above average, and also that the proportion eligible for free school meals was higher than average. The report described the

junior school as satisfactory, but with the quality of teaching much improved since the school was last inspected. Most aspects were found to be satisfactory, including leadership & management, teaching and pupils' achievement.

12. Attainment data has been considered as follows.

a. The Council has provided data showing that children at the infant school achieved well below the East Sussex and national averages in levels of development in the Foundation Stage. Similarly, the percentages of infant pupils achieving level 2B or above and level 3 or above were both below the East Sussex and national averages.

b. The DfE's attainment data for the junior school, reiterated by the Council, indicate that, although the average points score in the Key Stage 2 tests rose slightly in 2010, it has been consistently below the East Sussex and national averages for four years; and that, although the proportion of pupils scoring Level 4 or above in both English and Maths rose significantly in 2010, it remained well below the East Sussex and national averages.

13. I have noted the concerns that were raised by some respondents to the Council's consultation about standards at the junior school. However, taking note of the measures of progress recorded by the DfE for pupils at the infant and junior schools, and the improvements that have been achieved in the junior school, I conclude that both existing schools, while satisfactory overall, are failing to achieve desirable standards. I have noted the academic research evidence that the Council presented during its consultation exercise, which showed set-backs to many pupils' progress following transfer from infant to junior schools, and the higher percentages of pupils attaining Level 4 or above at the end of Key Stage 2 who had attended all-through primary schools. I share the Council's expectation that a larger, amalgamated primary school would enable better educational provision to be made and higher standards achieved, and have no reason to suppose that standards in the proposed new school would be adversely affected by the present standards at either one of the existing schools in particular.

14. I have noted that, in September 2010, 21% of the infant children and 34% of the junior children had special educational needs ("SEN"), further information about which, and about present provision, was given to me at the roundtable meeting I held. Also described for me were the accommodation and staffing provisions that, subject to budgetary and staffing constraints, it is hoped to make at the proposed new school. I have no reason to suppose that children with SEN would not benefit as much as others from enhanced provision at an amalgamated school.

Need for places and admissions

15. Both of the present schools have admission numbers of 60, and the amalgamated school is proposed also to have an admission number of 60, thus providing 420 places. In October 2010, the infant school had 122 pupils on roll, comprising 50, 32 and 40 in Years Reception to 2, respectively, and the junior school 159 pupils, comprising 33, 34, 44 and 48 in Years 3 to 6,

respectively.

16. The Council has calculated there to be a continuing and future need for a total primary admission number of 180 in the Eastbourne Central North Area, although individual year groups might be below 150 in the short term. In response to my further enquiry about pupil number predictions for the area, the Council has provided data that demonstrate this continuing need, but also demonstrate a possible demand for places that would begin to exceed provision in 2014 and would reach a peak of under-provision of 107 primary places in 2017, before declining to an under-provision of around 73 from 2019 onwards. During discussion of this issue at the roundtable meeting I held, it became clear that the Council is conscious of a need for possible additional accommodation overall, and that there is scope for temporary accommodation to be located elsewhere, should need arise. I was therefore reassured that the reduction in accommodation proposed by the closure of the present infant and junior schools and replacement by an amalgamated school was acceptable in these terms.

17. The proposed admission arrangements for the amalgamated school comply, in my view, with the School Admissions Code.

Premises and Finance

18. The Council originally intended that the proposed amalgamated school might operate in both of the present infant and junior school premises. However, the formal proposal states that the proposed new school would be located in the present junior school premises. The Council has said that some minor capital costs would be incurred in establishing the proposed school, and that as pupil numbers increase it would be necessary to provide additional accommodation for its full complement of 420 pupils. In response to my enquiry about the availability of capital monies for these projects, the Council provided a copy of a report to and minutes of the Council meeting of 8th February 2011, at which approval was given to a schools capital budget that included £8.05m, of which, I have been informed, £2.5m has been allocated for the short-term and longer-term works at the proposed school premises, including the proposed new provision for the pre-school. I am satisfied that adequate approval of necessary capital funds has been given.

19. My visit to the infant school left an impression of considerable congestion and limitations of teaching spaces (though with a few classrooms of generous size), and of some poor quality buildings, unsuitable outdoor play areas and inadequate pre-school accommodation. My impression of the junior school premises, on the other hand, was one of spacious teaching areas, numerous auxiliary areas for teaching and other purposes and good hard and soft outdoor play areas. Both schools have had admission numbers of 90, these being reduced to 60 in both schools (for the infant school in 2008 and the junior school in 2010). It seems that both reductions occurred on the basis of rooms being redesignated; this means that some – particularly at the junior school – could be brought back into normal use if required.

20. Three issues arose at the meetings I held over the timing of the proposed building work, which have caused me to consider whether I should

modify the implementation date for the amalgamation if I were able to approve it.

a. A parent suggested the possibility of postponing implementation until the proposed building work is complete, to avoid disruption to children's education.

b. Another parent suggested reverting to the Council's original idea of operating the amalgamated school in both of the existing premises until the building work is complete.

c. I had considered whether I should make my approval, if I am able to give it, conditional upon planning permission being given for the proposed building work, including the pre-school accommodation, by a specified date.

Similar concerns to those in a. and b., above, have been raised with me by representations since the meetings.

21. It is now clear to me that, although the full extent of the proposed additional accommodation may not be necessary before around 2016, it is the Council's intention that the all the building works, and not just the pre-school pre-fabricated building, should proceed as soon as the necessary permissions are given. The Council has stated its intention that the immediate improvements it envisages, including the pre-school building, should be complete before the implementation date of 1st September 2011, and that the further construction of three additional classrooms should proceed immediately after that. Since the meetings, the Council has stated a belief that the proposed school, even with 60 pupils in every year group, could in fact be accommodated in the junior school premises as they already exist. However, this is by reference to the Department for Education's Building Bulletin 99, which is advisory, and which tends to relate more to the provision of new buildings rather than to the adaptation of existing ones. In any case, the proposals that the Council has made are predicated upon the proposed building works, which, therefore, form an integral part of those proposals.

22. I am not persuaded that disruption to children's education need occur as a result of building work on the site of a school that is in operation. I agree with the Council that the parties concerned are bound to have safety as a top priority, and am aware that schools can often turn building work to good advantage as a learning experience and basis for curriculum development. I will, therefore, not be modifying the proposal to meet either of the suggestions made by parents at the public meeting. I believe that the overall arrangements planned for the future accommodation of an amalgamated school will be adequate and suitable. However, if I am able to approve the proposals, I shall make my approval conditional upon planning approval being given by a specified date. Since the meetings, the Council has clarified that it will now be able to submit an application for all its proposed works in time for a local planning committee meeting on 22nd June 2011, and not just an application for the pre-school building work, as previously envisaged.

23. I accept the Council's rationale for its proposals as being made for

educational, not financial reasons, and its explanation of the 'ring-fenced' schools budget. I have noted also that no capital receipt is likely to arise from the infant school premises, which is intended to be used for alternative educational purposes. I have no reason to question the Council's expectation of benefits from economies of scale and a single revenue budget at an amalgamated school, and the scope for offering higher salaries for school leaders than is possible at present.

Travel and transport

24. The Council's view is that there would be no significant impact from the proposals on travel arrangements or the use of cars. The distance, it has said, is 657 metres on foot between the two schools. I have no reason to doubt the Council's view.

Staffing issues

25. Although it would be necessary to appoint staff afresh to an amalgamated school, I have not received any expressions of concern from any staff about their positions. I have ascertained that the infant school headteacher wishes to retire and that the junior school has been without a permanent headteacher for some time. With the support of the Council, the temporary governing body for the proposed amalgamated school has already decided that, if the proposals are approved, the present junior school acting headteacher (a senior advisory teacher) should be invited to act as headteacher of the new school until a permanent appointment can be made. Only a small number of staff redundancies is envisaged, with some of these staff being eligible to apply for posts in the amalgamated school. The Council envisages the temporary governing body, which comprises members chosen by the existing governing bodies, approving a draft staffing structure when the amalgamated school's revenue budget has been confirmed.

Community Considerations, including the Pre-school

26. The Council has provided data which indicate a considerable degree of social deprivation within the ward in which the two schools are situated. I draw from this an additional need for all steps to be taken that can contribute to the quality of children's education and well being. As the Council has asserted, organisation as a single school is likely to facilitate collaborative working with other schools and organisations.

27. The Council has listed the extended services provided by the existing schools as including childcare, study support, swift and easy access, parenting support and community access, and envisages that these would continue at the proposed new school.

28. The pre-school, a private venture, opened in the infant school premises in 2010, and was assessed by Ofsted in May 2010 as making good provision. In response to my enquiry on the point, the Council has outlined a strong numerical and educational need for the pre-school to continue, and develop its provision. It has informed me of its intention that the pre-school should be accommodated within new, separate accommodation, with provision for 42

places, compared with the present 23, places, on the site of the proposed school. The managers of the pre-school are pleased at the prospect of enlargement and the enhanced accommodation that is planned, and are content to accept that the rental arrangements that will be in accordance with a standardised formula that the Council has adopted.

Conclusion

29. I am satisfied on the basis of the evidence submitted to me that the processes of consultation were adequate. It is clear to me that a majority of those closely associated with the present schools support the proposals.

30. I have noted the degree of social deprivation in the area, and believe that a single school would provide greater continuity, flexibility and economy than do two schools, and that children would therefore benefit from the proposals. I am therefore approving the proposals, but with a condition relating to planning permission.

31. The Council intends to submit applications for planning permission for all the proposed building works in time for the planning committee meeting of 22nd June 2011. I wish to allow some extra time, in case of an unexpected postponement of that meeting. I am therefore setting an ultimate date of 21st July 2011, the day before last day of the school term, for permission to be given for all the proposed building works that require planning permission.

Determination

31. Under the powers conferred on me by Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals to discontinue Hampden Park Infant School and Highfield Junior School, Eastbourne on 31st August 2011 and establish a new community primary school in the present Highfield Junior School premises on 1st September 2011, conditional upon planning permission being given by 21st July 2011 for all the proposed building works that require planning permission.

Signed:

Schools Adjudicator: Canon Richard Lindley

Dated: 13 May 2011