



DETERMINATION

Case reference: STP614

Proposal: To discontinue Forge Lane Primary School with effect from 31 December 2014.

Proposer: London Borough of Hounslow

Date of decision: 10 October 2014

Determination

Under the powers conferred on me in Paragraph 10 of Schedule 2 of the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Forge Lane Primary School with effect from 31 December 2014.

The referral

1. On 23 July 2014, the Head of Place Planning wrote to the Office of the Schools Adjudicator (OSA) on behalf of the London Borough of Hounslow, the local authority, applying for a decision on its proposal to discontinue (close) Forge Lane Primary School (the school), a community school, with effect from 31 December 2014 to accompany a linked proposal to establish a new voluntary aided (VA) school on the same site. This discontinuance and establishment is required because it is not possible under section 18(4) of the Education and Inspection Act 2006 (the Act) to make any change to the religious character of a school.

Jurisdiction

2. The governing body of the school informally consulted on their proposal to establish a voluntary aided school. When the governing body decided to proceed to the formal stage a meeting was held with the relevant lead member of the local authority, but there is no record of this meeting.
3. On 23 May 2014, a public notice of the linked proposals was formally published. The governing body was the proposer to establish the VA school and the local authority was the proposer to discontinue the school. The notice was in the form required by the Act.
4. Section 11 of the Act permits a proposal to establish a new voluntary school as a 'special case' without a competition. The relevant regulations are the School Organisation (Establishment and Discontinuance of Schools) (England) Regulation 2013 Part 3. For section 11 cases the local authority is the decision maker for proposals made by other proposers. The Schools Adjudicator will decide proposals made by a local authority. Proposals for discontinuance of a community school fall under Part 4 of the same

Regulations. The decision maker for such a proposal is the local authority unless it relates to a proposal to be decided by the Schools Adjudicator or the local authority has not made a decision within two months of the end of the representation period.

5. There has been some debate about whether a proposal by the local authority to discontinue a school that is linked to a Section 11 proposal to open a new VA school should come to the Schools Adjudicator for a decision on that basis. However, I do not have to rely on that as a decision has not been made by the local authority within the required two months of the end of the representation period, the final papers having been sent to me 25 September 2014; on those grounds the decision must be made by the Schools Adjudicator.
6. I am satisfied that this proposal has been properly referred to me in accordance with Schedule 2 of the Act and that, therefore, I have jurisdiction to determine this matter.

Procedures

7. In considering this matter I have had regard to all relevant legislation and guidance.
8. I have considered all the papers put before me including the following:
 - the agenda and supporting papers for the meeting of the local authority held on 21 July 2014;
 - prescribed information from the proposer as set out in the relevant School Organisation Regulations;
 - minutes of the consultation meetings; and
 - Ofsted reports on the school.

The Proposal

9. The proposal is to discontinue Forge Lane Primary School with effect from 31 December 2014. There is a related proposal to establish a new voluntary aided primary school on the same site with effect from 1 January 2015.
10. The proposer contends that the potential benefits of this and the other linked proposal are:
 - the catchment area would increase as it would become the area covered by the Parish of St Richard's Church which will "improve the mix at the school" and contribute to raising standards;
 - there will be more opportunity for parental choice as there is no other Church of England school in the west of Hounslow; and

- it would give the school a ‘fresh start’ and support its efforts to raise standards.

The Objection

11. There are no objections to the proposal.

Background

12. The school is in the west of the local authority; its boundary fence is the boundary between Hounslow and Richmond councils. At the last inspection by Ofsted the school was found to be “requiring improvement”. The local authority reports that the school has, in the past, had a poor reputation. The school and its intended replacement are a one form of entry school, admitting 30 pupils.
13. The governing body of the school undertook a formal consultation from 23 May 2014 on the proposal to establish a new Church of England primary school. At the same time a consultation was held on the proposal to close the school.

Consideration of Factors

14. I have considered the proposal taking careful account both of the arguments put to me by the proposer and of the statutory guidance that applies when making such a decision.

Standards

15. The most recent Ofsted inspection of the school, in December 2012 found the school to be ‘requiring improvement’. The local authority reports that the appointment of a new head teacher and stability in the membership of the governing body is building capacity for improvement. At a monitoring visit in March 2014, Ofsted found that the school was taking effective action to address the issues raised during the inspection.
16. The governing body and the local authority consider that standards will continue to rise if the school has a fresh start as a voluntary aided primary school; I have no reason to think that will not be the case.

Need for places

17. The linked proposal provides for an all-through primary school that would offer 26 part-time (13 full time-equivalent) nursery places for 3 and 4 year olds and 30 places (210 places in total) from reception to year 6. There would be exactly the same number of places available in the new school as currently available in the school and thus would provide for all pupils from school. No pupils would be displaced and no school places will be lost. The admission arrangements will remain unchanged.

Finance

18. There is no capital funding attached to this project

Traffic and Travel

19. No change in site or location is involved in these proposals; there should therefore be no impact on present travel arrangements or traffic conditions. I am satisfied that there will be no impact on current traffic and travel arrangements as a result of these proposals.

Special Educational Needs

20. The local authority states that no changes will result from this proposal to the provision for children with special educational needs in the school. I have no reason to doubt this.

Consultation and the view of interested parties

21. Consultation meetings were held at the school in February and March 2014 prior to the publication of the public notice. The consultation meetings in March at the school attracted 30 parents, two staff members and ten governors
22. Following publication of the notice, a joint consultation on the proposal, in the form of information and meetings, took place with the governing body, staff members, trade union representatives, and parents/carers of children attending the school. Copies of the consultation document were also distributed to head teachers of all LA schools via Knowledge Hub which is the LA's extranet; the London Borough of Richmond upon Thames local authority; local Members of Parliament; all local Councillors; playgroups and early years settings in the local area; and were placed on the Council's website.
23. Of the 64 responses were received to the consultation 44, over two thirds, favoured the proposal, 7 did not favour the proposal and 13 neither agreed nor disagreed. One written response was received from the London Borough of Richmond confirming they had no objections to the proposal. The consultation meetings in June attracted 13 parents, one staff member and four governors.
24. I consider that the local authority undertook an appropriate consultation with the required parties, meeting all statutory obligations. It has provided a clear analysis of the results and the individual comments made.
25. I note from the number of responses from parents was comparatively small and of those the majority was in favour of the proposals.
26. I note that all staff and governors were in favour of the proposals.
27. I can see that the main focus of the consultation was the opening of the new school and the implications of that, I saw no evidence that that there were any concerns from any party about the closure of the school and see no reason to reject this proposal on those grounds.

Conclusion

24. The school's governing body has undertaken a consultation to establish a new voluntary aided primary school on the school's site from 1 January 2015. The local authority agreed to that proposal on 21 July 2014 subject to the confirmation of the closure of Forge Lane School.
25. I therefore conclude that, for the reasons above, I should approve the proposal to discontinue Forge Lane School with effect from 31 December 2014.

Determination

- 26. Under the powers conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Forge Lane Primary School with effect from 31 December 2014.**

Dated: 10 October 2014

Signed:

Schools Adjudicator: Miss Jill Pullen