

DETERMINATION

Case reference: STP/000549

Proposals: To make a prescribed alteration to King's Hedges Community Primary School, Cambridge, by changing the age range served by the School from 3-11 years to 4-11 years and to establish a new Nursery school, to replace the existing nursery class at the School, on the same site on 1st September 2011.

Proposer: Cambridgeshire County Council

Date of Decision: 29th June 2011

Determination

Under the powers conferred on me in paragraph 8 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals.

The referral

1 On 3rd May 2011, Cambridgeshire County Council ('the Council') wrote to the Office of the Schools Adjudicator referring its own proposals made under sections 11(1) and 19(1) of the Education and Inspections Act 2006 ('the Act') for consideration under Schedule 2 to the Act. The proposals are to make a prescribed alteration to King's Hedges Community Primary School ("the School"), Cambridge, by changing the age range served by the School from 3-11 years to 4-11 years and to establish a new Nursery school, to replace the existing nursery class at the School, on the same site on 1st September 2011.

2 The current nursery class has 104 part time places, the School's current capacity is 420 and its admission number is 60. It is proposed that the School's capacity and the admission number remain unchanged. It is also proposed that the new nursery school continues to provide 104 part time places in the facilities currently occupied by the School's nursery class. The Council states that the aim of the proposals is to make "*improved educational provision for children and families in the school's catchment area*".

3 In making this proposal, the Council is responding to representations from the School's governing body which believes that changing the status of the current nursery class to a nursery school will enable it to secure enhanced funding which can be used to achieve its "*prime objective of making a real*

difference to children's life chances through the additional funding it will receive as a result of the differential funding model between maintained nursery schools and maintained nursery classes." In particular, the anticipated additional funding would be used to enable home visits and to further develop a project which focuses on children with language delay and communication difficulties.

Jurisdiction

4 I am satisfied that these proposals have been properly referred to me and that I have jurisdiction to determine them in accordance with Schedule 2 to the Act and Regulations made thereunder. I believe the proposals are linked and I will treat them as such.

Context

5 The Council states that the School serves an area which is in the top 10% of deprived areas in the UK and that 45-50% of children entering the School's nursery class have "*significantly delayed language, with undiagnosed speech and language impairments, and hearing problems*" which results in children not being able to "*access the curriculum at statutory school age because they cannot understand simple verbal requests*" and/or being "*placed on the special educational needs register where they require additional support.*"

6 The School has identified a range of measures which it believes will enable these children to make better progress. These measures include "*visiting families in their homes and supporting them through outreach in order to ensure that the needs of the family and child are fully understood,*" and the use of the "So to Speak" project which focuses on children with language delay and communication difficulties. The School's governing body predicts that the additional funding for nursery aged provision that would be secured by these proposals would enable the staff to pupil ratio to be improved from 1 to 13 to 1 to 8 and that this enhanced staffing will enable the School to undertake the work described above. In the School's view, it is not able to resource such work in a sustainable way under the current arrangements.

7 If these proposals are agreed, the School's governing body proposes to federate the School with the new nursery school and envisage the School's current headteacher will become the executive headteacher of the federated school. These parts of the proposals are not within my jurisdiction but I note that, if I approve the parts of the proposals which are, the new nursery school will have to establish its own governing body which may or may not agree to this approach.

8 The School's governing body formally endorsed the proposals at its meeting on 8th December 2010 and thereafter took the lead in the initial consultation process which formally started on 10th December 2010 and which included a public meeting held on 14th December 2010. The Council published a Statutory Notice on 18th March 2011 and subsequently received

four representations from interested parties. There are no statutory objections to these proposals.

9 Council officers have explained that the pattern of nursery school and nursery class provision in the Council's area, and the funding of early years education, has not been subject to review since the 1970's. Officers accept that it may well be that current provision is not located in communities where the need is greatest and that there is no Council policy context into which these proposals can be placed. It is acknowledged that the Council has considered these proposals in isolation from the wider context of similar provision across the County and that the proposals have been brought forward because of pressure from the School.

Procedures

10 As required by the Act, I have considered the proposals and have had full regard to the guidance given by the Secretary of State. I have also had regard to all relevant legislation.

11 I have considered all the papers put before me including the following:

- information and supporting papers relating to meetings held during preliminary consultation leading up to publication of the proposal;
- a copy of the Statutory Notice published on 18th March 2011;
- representations made in response to the Statutory Notice;
- prescribed information from the proposer as set out in the relevant Regulations;
- a response from the School to the representations made by interested parties following the publication of the Statutory Notice;
- the most recent Ofsted inspection reports on the work of the School.

I also held a meeting on 21st June 2011 with representatives of the Council, the School, and objectors representing a nearby nursery school and the governors of all nursery schools in Cambridgeshire. I have considered points put to me at that meeting and subsequently.

Consideration of Factors

12 I have considered the relevant statutory guidance provided for Decision Makers by the Secretary of State. In light of this I have considered the following matters.

- Effect on standards and school improvement

- Type of school
- School characteristics
- Need for places
- Impact on community and travel
- Specific age group provision
- Funding and land
- SEN provision
- Views of interested parties

(i) Standards and school improvement

13 These proposals are based on the view, shared by the School and the Council, that they will provide a further boost to standards and the quality of education provided. The most recent Ofsted full inspection report on the school was published in January 2007. Inspectors found the School to be good with outstanding features. In July 2010, Ofsted undertook an interim assessment which concluded that *“the School’s performance has been sustained”*. As a result, the next full inspection was postponed. The January 2007 inspection found leadership and management, pupil progress, teaching and curriculum provision to be good and care, guidance and support to be outstanding.

14 Ofsted noted that the School *“is situated on the edge of an area of considerable social and economic disadvantage”* where *“the proportion of pupils entitled to free school meals and who have learning difficulties and/or disabilities is above average.”* In relation to standards on entry, Ofsted found *“children start here with levels of knowledge and skills which are well below those expected nationally, particularly in communication, language and literacy.”* The outstanding provision for care, guidance and support is underpinned by the fact that the staff *“know the pupils very well and understand their needs.”*

15 These proposals will provide additional revenue funding that will be used by the School to extend its outreach work and sustain the So-to-Speak project. This work has the potential to boost standards, especially for pupils from relatively deprived backgrounds, narrow the attainment gap between these pupils and their peers, better address the Every Child Matters principles, and develop existing good practice which, according to Ofsted, is well matched to the needs of pupils. I am further reassured by Ofsted’s judgement that the School has a good capacity to improve.

(ii) Type of school

16 The Council proposes the School retains its community school status

and that the new nursery school is established as a community nursery school. The School's governing body supports this aspect of the proposals. No comment about the status of the schools was made during the consultation process.

(iii) School characteristics

17 The School would continue to offer 420 places from reception to year 6, with an unchanged admission number of 60, a school size which is commonly found and widely regarded as providing a good basis for an effective primary school. The proposed nursery school would offer 104 part time places, the same number as is currently catered for by the School's nursery class. The proposals therefore do not involve any change to the number of places available in the area. They aim to further develop the extended services provided by the School. The Council has set out proposed admission arrangements for the new nursery school which meet statutory requirements. The admission arrangements for the School remain unchanged. As in all such cases, attendance at the proposed nursery school would not give an automatic right to a place at the main school. The School is aware of this.

18 The additional revenue resources which these proposals will attract to the School will be funded from existing resources for early year's education across the Council area. Given that it is unlikely that the overall quantum of resources will increase, these proposals will result in decreased funding to other providers. This is one of the main issues raised during the consultation period and I have addressed in paragraphs 25, 28-30 and 32-33 below.

(iv) Need for places

19 The admission number for the primary school will continue to be 60, and the number of part time nursery places will remain at 104. In recent years the number of children on the nursery roll has varied from 60 to 100 (there were 89 pupils on roll in mid-June 2011). The roll increases during the school year as parents decide that their child is ready to start school. Although the Council predicts that nursery and primary school rolls are likely to increase in the short term, I have no evidence to suggest there will not be sufficient places to ensure that, for the foreseeable future, the proposed arrangements will enable all parents who express a preference for a place for their child at the proposed nursery school, and the School itself, to be offered one.

(v) Impact on community and travel

20 The new nursery school and the School itself will serve the same communities as the existing School and will be based on the current site. The extended services available at the School will continue to be provided. I have no evidence that these proposals will have any adverse impact on the community or that there are any new travel or access implications.

(vi) Specific age provision

21 The proposals will initially create a new nursery school and a primary school which will together serve the same age range as the existing School. These proposals are based on a commitment that the School and the new nursery school will work very closely together to ensure that the needs of parents and children are met. This is reflected in the plan to federate the two schools.

(vii) Funding and land

22 The freehold of the land and buildings is held by the Council. The proposed nursery school would be established in the buildings currently occupied by the School's nursery class. These proposals are not contingent on any additional capital resources or planning permission.

23 The driving force behind these proposals has been a wish by the School's governing body to increase the revenue resources that can be deployed for the benefit of local pupils and families. The Council and the School have undertaken some modelling based on a nursery of 40 full time pupils (the School's nursery roll varies from 60 -100 part time children during the course of a typical school year) and concluded that these proposals could benefit the School by around £100k. It is the case in Cambridgeshire, as in all local authorities to my knowledge, that a free standing nursery school attracts more revenue resources than nursery provision, catering for the same number of pupils, in an all through primary school. This is because school funding arrangements generally acknowledge the additional fixed costs (eg a headteacher's salary) incurred by a stand alone school. These proposals (plus the separate but related one to federate the two schools – see paragraph 7 above) acknowledge this disparity in funding and seek to use this statutory process to make enhanced revenue resources available for the benefit of the children and families associated with King's Hedges School.

24 If approved, the additional resources available to the School will effectively be taken from other providers in the Council's area. Given that within Cambridgeshire there are some 6,000 pupils in the nursery age cohort, then the extra £100k available to the School will reduce spending on other pupils accordingly.

25 In the consultation exercise associated with these proposals it is clear that other local providers of nursery education strongly object to statutory proposals such as this being used to attract additional funds to a particular school to the detriment of others. They believe this is especially so when no additional places are being created and when other settings are regarded as serving similarly disadvantaged communities. One respondent stated that the Kings Hedges area is already well served by nursery provision and any reallocation of resources should favour those parts of the Council's area, such as East Cambridgeshire and Fenland, which have relatively little provision of this type. Whilst the Council agree that these two relatively deprived areas have no nursery provision, they also point out that the majority of Council funded early year's provision serves communities which are relatively more advantaged than that served by the School. Officers do not want the absence

of a Council policy to support new provision in disadvantaged areas to prevent the enhancement of provision, where it is possible, in a similarly deprived area. The same objector noted that these proposals will serve to increase the cost of each nursery place at the School at a time when all public services are being required to provide better value for money. I address this concern in my conclusions.

(viii) Special Educational Needs (SEN)

26 The most recent Ofsted inspection report of the School judged that pupils with learning difficulties and/or disabilities “*achieve well through the School*” and that provision for the same pupils is “*good*”. These proposals seek to further improve provision for pupils with communication, language and literacy needs by investing more resources in strategies designed to build on existing good practice. Otherwise, the proposals do not envisage any changes to the existing policy framework for meeting the needs of pupils with SEN. Ofsted found that, on entry to the School, pupil’s knowledge and skills are “*well below those expected nationally.*” These proposals are designed to channel more resources into meeting the needs of the most vulnerable pupils and they have the potential to boost standards as a result.

(ix) Views of Interested Parties

27 The School, on behalf of the Council, conducted a consultation exercise about these proposals between 10th December 2010 and 21st January 2011. The School has provided evidence that parents and staff at the School responded very favourably to them, recognising the benefits of increased funding and their general support for the work of the School. No parents attended the public consultation meeting on these proposals which was held on 14th December 2010.

28 The feedback received from parties associated with other providers of nursery education was generally critical. Respondents were concerned that the implications of these proposals (especially the financial impact) on other early year’s providers had not been made clear and that this was unfair. They believe that it would have been preferable to review the overall arrangements for funding nursery provision via the local Schools Forum with a view to better aligning resources to need, rather than one school appearing to pursue its own self interest. Some also believe that the financial advantages for the School have been over-stated, that the School has not properly considered the costs of the enhanced services which a nursery school is expected to provide and that the issues involved in moving from one to two schools, even in the context of the proposed federation, have not been fully explored. The financial benefit may have been unclear at the start of this process but the Council and School have since been able to clarify this will amount to some £100k. At the round table meeting on 21st June 2011 the School convinced me that the issues involved in moving to two schools and the new role and responsibilities of a nursery school had been given appropriate consideration. The Council have formed a shadow governing body for the nursery school to ensure that all relevant issues are addressed in a timely way. Concern was

also expressed that these proposals set a precedent that other schools in the Council's area might follow. I have addressed this matter in paragraph 32 below. Some objectors believed that insufficient notice was given of the public meeting organised as part of the initial consultation exercise. The Council accepts the last point but experience has shown that a wide range of responses has, none the less, been forthcoming.

29 The Council and School agree that, ideally, this proposal would be associated with a Council wide review of early years funding and provision. However, given that such a review has not taken place for some 40 years and there is no prospect of this occurring in the near future, I believe it would be unfair if the considered plans of an individual school were to be thwarted by the inaction of the Council. It is clear to me that the additional resources that will be available to the School have good potential to boost standards whilst the resultant loss to other providers is relatively small (see para 24 above). On balance, I believe that the significant advantages to the families served by the School (see para 15 above) outweigh the relatively small disadvantages to families served by all other providers.

30 I have no reason to disbelieve the School's statement that they will use the additional resources solely for early years provision or the commitment that the School will make a professional contribution to the development of good practice across the local early years community of providers.

31 In considering the views of interested parties I must be mindful of the statutory advice (para 90) that I should "*give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals, for example the parents of children who might be eligible to attend the new school.*" I am clear that parents associated with the School support this proposal and that, on balance, their views should be given greater weight than those of other service providers.

Conclusions

32 The absence of a local policy framework for the development of early year's provision in Cambridgeshire is the source of much of the opposition to these proposals. There is no doubt that the additional resources that will flow to the School have the potential to boost standards in one of the Council's most socially and economically deprived communities. Because of this, I believe it would be unfair if the Council's inaction was to thwart the innovative plans of the School which are supported by officers and, informally, by elected members. Other providers are concerned that these proposals will set a precedent. This need not be the case if a policy context is established.

33 These proposals will divert resources into one of the Council's most deprived communities. Council officers accept that there are at least two other communities with more acute needs although, at present, there is no plan or mechanism in place to divert resources into these communities. However, this should not detract from the fact that the majority of early years provision is in

relatively more advantaged communities so, in a limited way, these proposals redistribute resources in accordance with need.

34 I also note that these proposals enjoy the support of the community served by the School and that the Council is confident the new nursery school can be established by 1st September 2011. To this end, a temporary governing body has been formed and is meeting whilst awaiting this determination.

35 I believe that these proposals are likely to boost the standards achieved by pupils who live in the relatively deprived community served by the School, and that the adverse financial impact on other early year's providers, the majority of whom serve more advantaged communities, will be relatively small. I also note Ofsted's judgements on the quality of leadership and management at the School and its capacity to improve, the quality of the plans being made by the School to utilise the additional resources it will receive, and the support the proposals enjoy from local parents. I therefore approve them.

36 Under the powers conferred on me in paragraph 8 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals.

Dated: 29th June 2011

Signed:

Schools Adjudicator: John Simpson