

## **DETERMINATION**

**Case reference: STP/000551**

### **Proposals:**

- 1. to discontinue Mossfits Infant School**
- 2. to discontinue Mossfits Junior School**
- 3. to establish a new Community Primary School at Mossfits Lane, Liverpool, L15 6UN on the site of the discontinued Mossfits schools.**

**Proposer: Liverpool City Council**

**Date of Adjudicator's Determination: 6 June 2011**

### **Determination**

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

- 1. To discontinue Mossfits Infant School with effect from 31 August 2011.**
- 2. To discontinue Mossfits Junior School with effect from 31 August 2011.**
- 3. To establish a new Community Primary School at Mossfits Lane, Liverpool, L15 6UN on the site of the discontinued Mossfits schools with effect from 1 September 2011.**

### **The referral**

- 1. On 10<sup>th</sup> May 2011 the Director of Children's Services for Liverpool City Council (the Council) wrote to the Office of the Schools Adjudicator (OSA) referring a proposal to establish a new Community Primary School in the Wavertree area of Liverpool and related proposals to close two existing schools in that area.**

### **Jurisdiction**

- 2. On 7<sup>th</sup> April 2011 the Secretary of State for Education wrote to the Council granting consent under section 10 of the Education and Inspections Act 2006 (the Act) for the 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 21<sup>st</sup> April 2011, having previously carried out appropriate preliminary consultations, the 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:
  - the records of the informal consultations conducted by the Council prior to the publication of formal notices;
  - the agenda and supporting papers for the Council meetings at which these matters were considered;
  - prescribed information from the proposer as set out in the relevant School Organisation Regulations;
  - maps of the area showing the schools affected by the proposals;
  - a full account of comments made by interested parties, including parents and local residents, in the course of the consultation processes; and,
  - the most recent Ofsted inspection reports for the schools involved.

### **Background**

7. Liverpool has experienced, and continues to experience, a general decline in population with a concomitant reduction in demand for school places. This has led to a series of area reviews and projects to close, or reduce the size of schools whilst seeking to enhance the quality of the remaining provision. Liverpool City Council has also adopted a policy preference for all-through primary schools, serving Foundation Stage and Key Stages 1 and 2 as against separate infant and junior schools. Namely: *“where separate infant and junior schools share a site, and where numbers on roll permit, the Authority will facilitate the creation of an all through primary as and when the opportunity presents itself”*. This is not a policy which the Council has sought to implement in a blanket way across the authority, but proposals are brought forward only where, and at times when, local circumstances indicate it would make sense to do so.
8. The proposals considered in this decision arise from circumstances affecting the Mosspsits infant and Junior Schools in the City. The two schools are co-located with children attending the Infant School until they come to the end of Year 2, transferring to the Junior School on the same site for the last four years of their primary education. Both schools can accommodate 60 pupils per year group and are operating at near full capacity. However there are significant surplus places in other nearby schools and the local area is in the next phase of the review. The proposal

was brought forward, ahead of proposals for the rest of the area and phase, because the Head teacher of Mosspsits Community Infant School retired at the end of the autumn term 2010. The two schools are currently being managed by the Head teacher of the Junior School.

## **Initial Consultation**

9. In November 2010 the Council published a consultation document proposing amalgamation and outlining the case for change. The paper identified a number of benefits which would accrue from an all through primary school compared to separate infant and junior schools, as follows:

### *“Benefits for the Children*

*There would be greater continuity of education in one school from 4+ to 11 years, which would:*

- *make it easier to plan across the whole age range with additional benefits, for example, of greater continuity of curriculum methodology and policies;*
- *reduce the potential for stress / upheaval as children transfer from one school to another at the end of Year 2;*
- *create the climate for a sense of ‘oneness’ or ‘togetherness’ throughout the school community and, allow the children to be together for shared celebrations and services;*
- *give greater opportunities for the academic, social and moral development of older pupils using cross school projects, for example, working with and for younger children and buddy systems; and*
- *permit staff to know the children in the school for a longer period of time, thus developing deeper knowledge of them.*

*This would in turn, support more informed assessment leading to better progression, better setting of individual targets and better tracking of individual pupils.*

### *Benefits for Staff*

*The larger “pool” of staff should mean:*

- *that individual teachers have fewer areas of responsibility;*
- *enhanced career opportunities;*
- *greater professional interaction as discussions and decisions are informed by inputs from a wider group; and*
- *enhanced career prospects for staff, i.e. opportunities to work across the key stages of the curriculum.*

### *Benefits for Parents and Guardians*

- *Continuity of education will mean that parents do not have to re-assess their choice of school or get to know another school, its staff and policies only three or four years after their child has started school.*
- *Parents will have a longer relationship with the school and staff and will therefore be able to contribute more fully in the education partnership with the school.”*

10. As part of the consultation process three separate meetings were held at each school (on 16<sup>th</sup> and 17<sup>th</sup> November respectively) for the benefit of governors, school staff and parents. Additionally Council Officers met with two groups of children (drawn from the school council in each case) to canvass their views. The minutes of these meetings record a number of

issues being raised. There was a degree of overlap between points and questions raised at the six meetings with adults, including the following:

- Concerns about the number of staff who would be required in the amalgamated school and the impact on staff employment.
- Would there be a new staffing structure and would new contracts be issued?
- Questions about the structure of the new governing body.
- Questions about timing and the process of change.
- Questions about the admissions criteria and process.
- How the amalgamation would financially affect the school(s).
- Would there be money for re-development of the two schools?
- Suggestions that the low level of attendance was a measure of the 'silent majority' support from other parents.
- Staffing - with particular reference to the position of heads and deputies and how two staff groups would be brought together.

11. The matter was also referred to the Council's Education and Children's Services Select Committee. The committee considered the proposal on 11<sup>th</sup> November, 2010 and "agreed that the proposal be supported in so far as the Select Committee is concerned."
12. Answers and explanations were offered at the various meetings in line with the Council's view about the advantages of the proposals (as set out in paragraph 9 above). The amalgamation would have a positive impact on retaining the current levels of staffing. No job losses were planned but no-one could give a full guarantee. A new single governing body would be formed, drawn equally from both existing bodies, and would be responsible for staffing at the new primary school.
13. Four written responses were received during the consultation: one from each Chair of governors indicating governors' support for the proposal; and one each from the National Union of Teachers (NUT) and the National Association of Schoolmasters/Union of Women Teachers (NAS/UWT) expressing opposition.
14. Both teacher unions expressed concern that the proposal should not result in job losses and the NAS/UWT further argued that there should be no new permanent appointments until the proposal was resolved. The Council responded to the effect that appointments to either of the existing schools would fall within the remit of their respective governing bodies, and future decisions would be taken by the new single governing body. However a change management group had been established to ensure that, if the amalgamation was approved, there would be a smooth transition.
15. The NUT questioned "*the educational benefits of amalgamating the schools*", maintaining that the current schools are an example of a successful collaboration and the amalgamation would be "*to the detriment of the children*". In response the Council cited its policy position and belief, as outlined in the consultation literature, that amalgamation would in fact promote educational benefits.

16. The NUT letter also sought confirmation *“if the amalgamation does go ahead, that there are sufficient funds available to make any necessary changes to ensure that a suitable staffroom is available for all the staff.”* This issue had also been raised during consultation meetings. The Council responded that if the proposal went ahead there would be a survey of the building to identify any necessary adaptations; and anything deemed essential for September would be prioritised. The Council was unable to identify how much capital funding would be available but both schools had surplus balances and it had been agreed that the new governing body could use that money to fund adaptations, supplemented by anything the Authority could contribute. The NAS/UWT took issue with the suggestion that school balances be used in this way; but it was pointed out surplus balances would normally revert to the Authority on closure of a school. However, the Authority was proposing that any surpluses be re-invested in the proposed new school for the benefit of both staff and pupils.
17. The remaining points raised by the trade unions related to teacher representatives on the Shadow Governing Body and:  
*“Concerns that workload issues will inevitably rise particularly around positions of responsibility, as a result of the large school intake, therefore, NASUWT request whole staff Stressor Identification at the earliest opportunity and that The City of Liverpool’s Stress Management Policy 2010 and Management of Occupational Stress Guidelines (GN14) are strictly adhered to.”*
18. In response to the first point the Council said it was standard practice to ensure parity of representation from both existing schools on any new governing body. The Director of Children’s Services strongly challenged the assertion that *“workload issues will inevitably arise”* as a result of the proposed amalgamation. The Council’s expectation was that the temporary governing body of the proposed new school would devise a staffing structure that was ‘fit for purpose’ in terms of the staffing demands of an all through primary school. However, in view of the request for a “Stressor Identification” officers undertook to work with the Leadership of both schools, and with the temporary governing body, to ensure that the City Council’s Stress Management Policy 2010 and Management of Occupational Stress Guidelines were adhered to.
19. A report was made to the Council cabinet portfolio holder on 17<sup>th</sup> January 2011 setting out the above information, and recommending publication of statutory notices subject to permission to publish proposals outside a competition being granted by the Secretary of State.

### **The Statutory Proposals**

20. As noted above the Secretary of State for Education wrote to the Council granting consent under section 10 of the Act on 7<sup>th</sup> April 2011 and formal statutory proposals were published on 21<sup>st</sup> April 2011. No formal objections or representations were received in response to the proposals by the closing date 2<sup>nd</sup> June 2011.

## **Consideration of Factors**

21. 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.

## **Standards**

22. The Council has not submitted that any 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 Council's view that such an organisation was more cost-efficient; and that larger schools where the task of managing teaching and learning is shared by a larger number of individuals are intrinsically better able to develop and sustain staff expertise. Such institutions are able to be more robust in terms of pursuing continual improvement. In turn this is 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 - and schools of all sizes both succeed and fail, this view is widely supported.
23. The most recent Ofsted findings about the quality of the schools are that Mosspsits Infant School was rated as 'satisfactory' and Mosspsits Junior School was 'outstanding'. Recent Key stage 1 and Key Stage 2 standards have been higher than the national and LA averages in all subjects. There is no substantive Infant School Headteacher in post and the Head of the Junior School is currently acting Head of the Infants. So, although there is no pressing need to effect reorganisation in order to tackle under-performance or poor standards, consolidating both schools under the professional leadership of the more successful of the two is likely to be beneficial.
24. One possible contrary argument against merger of previously separate schools, which was hinted at by the NUT, is that the management of transition may itself detract from the maintenance of standards. However in this case, from the perspective of parents and children, there will in fact be very little change from the status quo. The currently separate schools will become the infant and junior departments of the new Primary School and will remain in the same buildings. It has already been decided that, if the proposals are approved, the new Head will be the person who is currently substantive Head of one school and acting Head of the other. Any future changes in the leadership and management arrangements and the distribution of functions among the staff will be no more or less than might take place in response to the organic development of any school in response to external circumstances.
25. I have therefore concluded that, whilst there is no need to tackle under-performance in these schools, these proposals are likely to contribute to securing higher standards in the longer term.

## **Value for Money**

26. Some participants at the initial consultation meetings asked questions about the cost of the proposals, and whether the motivation for the change was purely financial. Capital investment in the site has not been deemed essential for approval of the proposals as the buildings are adjacent. Nevertheless there has been a clear commitment to support the amalgamated status of the institution through appropriate development or refurbishment on the site and some resource has been identified to meet necessary costs. Because of the operation of school funding formulae the revenue cost to the Council of a single institution will be slightly less than the sum of its two predecessors with the balance being distributed amongst all schools across the authority. However it is generally accepted that the loss to the combined budget will be outweighed by the economies of scale available to the single school. Additionally a 'transitional grant' approximately equal to the budget difference for an additional period should allow sufficient time for these economies of scale to be realised. There will therefore be a sharing of the benefit of improved value for money between this school and the wider school system.

## **Travel to School & Need for Places**

27. The absence of any alteration to the location of the new school or its admissions policy means that there will be no change to travel to school arrangements for parents or children.
28. The existing schools are fully-, but not over-subscribed. There is therefore no obvious need to consider expanding or contracting provision on this site. Since the proposals will not change overall capacity, they can be approved without prejudice to the forthcoming area review.

## **Views of Interested Parties**

29. This proposal was initiated with the consent of the two governing bodies which have remained in favour throughout. The views of other interested parties were canvassed by the Council during the informal consultation. As noted above a number of issues were explored at meetings early in the process and the specifically articulated concerns of two Trade Unions were addressed in detail through the Council's formal decision making process. No further formal representations were received by the end of the consultation period following publication of the statutory proposals. I conclude therefore that the proposals enjoy significant local support.

## **Conclusion**

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

## **Determination**

42. Under the powers conferred on me by the Education and Inspections Act 2006, I hereby approve the proposals:

- to discontinue Mossplits Infant School with effect from 31 August 2011
- to discontinue Mossplits Junior School with effect from 31 August 2011, and
- to establish a new Community Primary School at Mossplits Lane, Liverpool, L15 6UN on the site of the discontinued Mossplits schools with effect from 1 September 2011.

Date: 6 June 2011

Signed:

School Adjudicator: Alan Parker