



## **DETERMINATION**

<b>Case Reference:</b>	<b>STP626</b>
<b>Proposal:</b>	<b>To discontinue Woodlands (Community) Infant School and Woodlands (Community) Junior School and establish Woodlands Primary School</b>
<b>Proposer:</b>	<b>Kent County Council</b>
<b>Determination:</b>	<b>29 April 2016</b>

**Under the power conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals to discontinue Woodlands Infant School and Woodlands Junior School, two community schools in Tonbridge, with effect from 31 August 2016; and to establish Woodlands Primary School, a community primary school, on 1 September 2016.**

### **The referral**

1. Kent County Council (the local authority) wrote to the Office of the Schools Adjudicator (OSA) on 21 March 2016 seeking a decision on its proposals made under sections 15 and 11 of the Education and Inspections Act 2006 (the Act) for consideration under Schedule 2 to the Act. The proposals are to discontinue two schools, Woodlands Community Infant School (the infant school) and Woodlands Community Junior School (the junior school) on 31 August 2016 and to establish Woodlands Primary School as an all-through community primary school for pupils aged 4 to 11 years within the existing premises of the schools on 1 September 2016. This process is commonly known as “amalgamating” two schools.

### **Jurisdiction**

2. Under section 15 of the Act, local authorities may publish proposals to discontinue schools. Under section 11 (A3), a local authority may publish proposals for establishment of a new primary school which is to replace an infant and a junior school. When local authorities use these powers the Schools Adjudicator is the decision maker by virtue of regulations made under Schedule 2 to the Act, namely the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (the Regulations).

3. Having carried out the appropriate consultation, the local authority formally published statutory notices on 19 February 2016. The notices were in the form required by the Act, to discontinue the schools on 31 August 2016 and to establish a new community primary school on 1 September 2016. The notices met the requirements of Schedules 1 and 2 to the Regulations. No comments

were received during the statutory four week period for representation to be made, and the local authority forwarded the information specified in the Act and Regulations to OSA to be allocated to a Schools Adjudicator for a decision.

4. I am satisfied that these proposals have been properly referred to me in accordance with Schedule 2 to the Act and the Regulations and that I have jurisdiction to determine this matter.

### **Procedures**

5. In considering this matter I have had regard to all the relevant legislation and guidance, including the statutory guidance for decision makers, published April 2016. I have considered all the papers put before me, including the following:

a) the formal request by the local authority on 21 March 2016 for a decision on the proposal, together with the following attachments:

- the minutes of the meeting of the joint infant and junior schools', strategy meeting held 5 November 2015;
- the minutes of the meetings of both schools' governing bodies held 16 November 2016;
- a copy of the complete proposals;
- a copy of the consultation documentation;
- the equality impact assessment document;
- the public notice published on the local authority's website and also available on the websites of both schools;
- reports to Kent County Council's Education and Young People's Services Cabinet Committee and the cabinet member for Education;
- a briefing paper from the local authority's senior improvement adviser;
- the record of decision by the cabinet member dated 27 January 2016; and
- site plans for the infant and the junior schools.

b) a copy of the statutory notice published in the "Kent Messenger Maidstone" on 19 February 2016, and a letter of confirmation from the local authority that no representations were received in response to the statutory notice;

c) the responses to the pre-statutory proposal consultation process received by the OSA on 22 March 2016; and

d) the most recent Ofsted inspection reports for each of the two schools.

### **The Proposal and Background Information**

6. The infant and junior schools are two separate community schools serving the Higham Ward of Tonbridge in Kent. The schools are currently in a soft federation with one executive head teacher responsible for both schools and a separate governing body for each school. The published admission number (PAN) of the infant school is 90 and the PAN of the junior school is 96 and there is an admission link which means that children attending the infant school are given priority for admission to the junior school. The schools occupy adjacent sites with a single vehicular access point.

7. The proposals are to discontinue the infant and junior schools on 31 August 2016 and to establish on 1 September 2016 an all-through primary school providing places for children aged 4 to 11 years. The new primary school would have a PAN of 90 for Year R and would open in the existing accommodation of both schools.

8. These proposals are in accordance with local authority policy as set out in the "Commissioning Plan for Education Provision in Kent 2015-2019" which states "*when the opportunity arises, the local authority will consider the possibility of either amalgamation of separate infant and junior schools into a single primary school; or federation of the schools*". The present executive head teacher was previously the substantive head teacher of the junior school and took up the executive leadership of both schools when the head teacher of the infant school retired in September 2015. The minutes of the meetings of both governing bodies of 16 November 2015 show that both bodies voted unanimously "*to close both schools and open a new one.*"

### **Objections and representations**

9. The statutory public notice was published on 19 February 2016 and the notice period ended on 18 March 2016. No representations or objections were received by the local authority which is the proposer.

### **Consideration of factors**

10. I have considered the proposals afresh taking account of the relevant statutory guidance and of the arguments put to me by the local authority as proposer.

### **Standards of education**

11. The infant school was inspected in January 2014 and judged as good by Ofsted. Key findings of the report include that "*children make very good progress in the Early Years Foundation Stage; pupils make rapid progress across the school in all subjects; overall teaching is good across the school and some teaching is outstanding; leadership is good.*" The report says that the school is not yet outstanding because "*too few of the children achieve results at the higher levels in mathematics at the end of Key Stage 1; not*

*enough teaching is outstanding; the schools analysis of data about different groups of pupils achievement is not as clear or precise as it could be.”*

12. The junior school was judged to be outstanding by Ofsted in May 2011. Key findings of the report include that *“pupils are exceptionally well prepared for their transfer to secondary school; dynamic leadership has developed a vibrant and optimistic learning environment; there is an ethos of exceptionally impressive inclusion for pupils and the capacity for future improvement is outstanding.”*

13. The local authority’s school improvement adviser produced a briefing note on standards and improvement at the two schools, reporting that leaders are well placed for the schools to become an all-through school; achievement in both schools is high; and strengths of provision have been maintained.

14. The local authority considers that the proposed change to an all-through primary school will promote a range of benefits including: greater consistency of approach to teaching and learning from ages 4 to 11; consistency of approach to learning policies, curriculum planning and behaviour management; seamless monitoring of pupils’ progress from ages 4 to 11; improved use of facilities and the sharing of resources; and increased potential for strong leadership and governance and continuity of experience. In addition it removes the need for children to transfer to another school at the end of Year 2, avoiding the impact this can have on pupils and their learning.

15. My view is that replacing the infant and junior schools with an all through primary school can offer continuity of learning and consistency of teaching, planning and monitoring across the primary age range thus raising standards further. The larger primary school is likely to support the stability of leadership and staffing by providing staff with increased career opportunities. There would be greater opportunities for existing staff to develop and broaden their skills and experience, and for the school to recruit and retain staff. I consider that the proposed primary school has the potential to build on the successes of the existing soft federation.

#### Diversity of Provision

16. There are a variety of primary schools within a two mile radius of the school; five community schools, a foundation primary school and a primary academy school. I therefore do not consider that these proposals will affect the diversity of provision in the area.

#### Admission Arrangements, Demand and Need

17. Woodlands Infant School has a PAN of 90 and 269 pupils on roll at as at 18 January 2016. Woodlands Junior School has a PAN of 96 and 382 on roll. The proposed primary school would have a PAN of 90, so giving a total of 630 places for pupils aged 4 to 11. This is a reduction of 24 places spread over the four years which constitute Key Stage 2. All pupils on roll at the existing schools will automatically transfer to the new primary school unless their parents decide to seek a place for their child in a different school even if this

means that the new school then has more than 630 pupils in total. The consultation document states that additional pupils will be admitted to Year 3 if there is pressure on places and the need arises. The local authority is responsible for ensuring there are adequate pupil places. It has written following my queries on this matter to confirm it is of *“the view that the school and community would be better served by a PAN of 90”* and that the issue of the PAN was not commented by any party during the consultation which preceded the publication of the statutory notice or the representation period which followed it. The statutory proposal made clear that the PAN would be 90. I am on this basis satisfied that it is reasonable for the new school to have a PAN of 90.

18. The infant and junior schools are community schools, and as the proposed primary school will also be a community school, the local authority will continue to be the admission authority and will set the admission arrangements for the primary school, as it does for the existing schools. The local authority confirms that the admissions arrangements for the primary school would be the same as those for the infant school.

19. I am satisfied that the proposed primary school places are needed and that there are sufficient places for the children on roll in the current schools to be accommodated in the new school. The admission arrangements will remain the same as those for community schools in the local authority. Parents and carers will have the advantage of a common uniform, the same arrangements for school closure days, open evening and school events, and a single admissions process, with their children moving from the infant to the junior stage without having to apply again for admission to Year 3. Children will benefit from seven uninterrupted years of primary education without a potentially unsettling transition to another school.

#### Community Cohesion

20. It is not anticipated that these proposals would have any impact on the community. Woodlands Infant School and Woodlands Junior School already work closely together, they have a single executive head teacher and there is an admission link between the two schools. The Ofsted report on the junior school notes *“The school’s contribution to community cohesion at local and international levels is good.”*

#### Travel and Transport

21. There will be no displacement of pupils because places at the primary school would automatically be offered to children on roll at the schools and, operating from the same premises, there is unlikely to be any impact upon the length of journeys between home and school as a result of the implementation of these related proposals. It is likely that families will continue to use the same forms of transport and or walk the same routes. Home to school transport will continue to be provided in accordance with Kent County Council’s published policies. I am satisfied that there should be no impact on present travel arrangements or traffic around the primary school site.

## Special Educational Needs Provision

22. There are six pupils in total on roll at the infant school and the junior school with a statement of special educational needs (SEN statement) or education, health and care plan (EHCP). It is anticipated that these pupils would transfer onto the roll of the new primary school which would be named on their SEN statement or EHCP at the next review.

23. The local authority states that *“the bringing together of staff from both schools will enhance the quality of education provided through the sharing of skills and expertise, enable the curriculum to be broadened and enhance the extra-curricular opportunities.”* I consider the advantages of the proposals for all children, for example, of continuity of provision, monitoring and increased access to adults with a range of experience and skills has the potential to offer the same advantages to pupils with special educational needs.

## Academy including Free School Considerations

24. Guidance requires that I consider whether these proposals are genuinely a change to an existing school or is in effect a new school which should have triggered a different process ‘free school presumption.’ In addition, I should take account of whether the proposals are consistent with the government’s policy that by 2020, all schools will be academies or in the process of becoming academies.

25. All the evidence provided leads me to view these proposals as a new community primary school to replace a maintained infant and maintained junior school and as such are outside of the free school presumption and competitions process. I see from the governing body minutes of 16 November 2015 that that governors were advised by the local authority that *“under government legislation any new school had to be an academy and that this process being followed was an exception to the rule ...and to become an academy was another process they would have to go through.”* I therefore see no evidence that the two schools becoming all through primary school will have any impact on any future decision about becoming an academy.

## Funding (Capital)

26. It is intended that the proposals can be implemented without the need for capital expenditure as the new primary school will operate as an all-through school across the existing infant and junior school sites.

## Funding (Revenue)

27. The local authority’s funding formula provides a lump sum, currently £120,000 to each school. This means that one lump sum would be lost when the schools become one. However, The School and Early Years Finance (England) Regulations 2013 provide funding protection for amalgamating

schools, thus the new primary school would continue to be funded at 100 per cent of the two lump sums for the remainder of the 2016/17 financial year, that is, from September 2016 to March 2017 and two lump sums at 85 per cent from April 2017 to March 2018 which equates to £204,000 at current figures. From April 2018 the primary school would then receive just the one lump sum. The head teacher states that *“with economies of scale in terms of contracts and purchasing, savings can be made without compromising the educational provision.”*

28. A temporary governing body has already been set up to take forward the process to establish the new primary school and there is an executive head teacher who will be the head teacher of the primary school. The local authority confirms that it is proposed that all teachers and support staff employed at the infant and junior schools *“at the time of the proposed amalgamation will transfer to the new primary school.”*

29. I consider that the lump sum is not an insignificant amount. However, I note that there is a funding protection to give the school time to compensate for its loss; both the local authority and the head teacher offer assurances that this possible.

#### Consultation and Representation.

30. Following discussions with the schools' governing bodies the local authority agreed to proceed to public consultation on these proposals. Approximately 1200 hard copies of the public consultation document were circulated which included a section to be returned for written response. The consultation document was placed on the local authority and both schools websites together with a copy of the equality impact assessment. The document was distributed to the appropriate stakeholders including the staff, governors and the parents of all pupils attending the junior and infant schools, diocesan authorities, elected members for Kent County Council and Tonbridge and Malling Borough Council, the local Member of Parliament, the local libraries and parish council. Options were given to respond by post, by email or attend a meeting. This pre-publication public consultation was carried out in the period 4 December 2015 to 20 January 2016.

31. A total of 70 written responses to the consultation were received: 61 of the respondents supported the proposal; two were against and seven undecided; of the two parents who indicated that they were against the proposals, one was concerned about funding and the other gave no reasons. The majority of pupils supported the proposal. Positive comments included the opportunity to build confidence, more opportunities for peer mediation and to make more friends. However, children also expressed concerns that *“it will be packed on the field”* and thought that it would be harder for the head teacher *“less lunch - more work”*.

32. A joint public meeting held at the junior school on 6 January 2016 was attended by approximately 43 people. The local authority outlined the purpose of the meeting and the background to the proposals, admission and financial arrangements and the consultation procedure. The head teacher and chairs of

governors spoke in favour of the proposal. The questions from the floor

related to funding issues; the management and organisational issues; possible drop in standards and, the possibility of a new school name and uniform.

33. The proposals and update on the consultation was reported to the Council's Education and Young People's Services Cabinet Committee on 21 January 2016, a full report on the outcome of the consultation was provided to the Cabinet Member for Education and Health Reform on 27 January 2016, and the report on the outcome of the consultation, including summaries of the public meeting and responses received, was published on the council's website. The Cabinet Member for Education and Health Reform considered the responses to the consultation and decided to proceed with the proposal. The local authority published the statutory public notice on 19 February 2016 in the "Kent Messenger Maidstone" and also on its website. The statutory four week notice period ended on 18 March 2016, and the local authority confirmed in an email 21 March 2016 that no representations had been received in response to the statutory notice, and then forwarded the information specified in sections 15 and 11 of the Act to the OSA for a decision.

34. The local authority provided evidence of meeting the requirements for consultation including hard copies of all the responses. The statutory notices contained all the necessary information in a clear and accessible fashion. I am satisfied that the local authority consulted appropriately with all the relevant parties, had due regard to comments received, and complied fully with all the statutory obligations.

## **Conclusion**

35. The governing bodies of both schools unanimously support these proposals which are in line with the policy of the Kent Education Commissioning Plan 2015- 2019 that the replacement of separate infant and junior schools with all age primary schools should be considered when the opportunity arises. The great majority of consultees at the informal consultation stage were in favour of the proposals. There were no objections to the proposals during the formal representation period and I am satisfied that the local authority met all the requirements of the regulations.

36. I have found that the proposals have no implications for capital costs, travel, number of school places available and community cohesion. The proposals do not change the number of pupils admitted across the 4-11 age range or the current class structure of the school. Admission into Year R would remain the same and as there would be a single primary school, parents would not need to apply again for admission to Year 3. The ability and scope for more children to join the school at Year 3 should this be necessary will to a certain extent take account of the current arrangements for admission to the junior school.



37. Forming an all through primary school has the potential to improve teaching and learning, thus learn raising standards, and the larger primary school is likely to support the recruitment and retention of staff by the provision of additional career opportunities; for these reasons and those in the determination above I approve the proposals.

### **Determination**

38. Under the power conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals to discontinue Woodlands Infant School and Woodlands Junior School, two community schools in Tonbridge, with effect from 31 August 2016; and to establish Woodlands Primary School, a community primary school, on 1 September 2016.

Dated: 29 April 2016

Signed:

Schools Adjudicator: Miss Jill Pullen