



## **DETERMINATION**

<b>Case reference:</b>	<b>STP622</b>
<b>Proposal:</b>	<b>A statutory proposal to discontinue Glenburn Sports College, Skelmersdale, Lancashire</b>
<b>Proposer:</b>	<b>Lancashire County Council</b>
<b>Initial Decision Maker:</b>	<b>Lancashire County Council</b>
<b>Appellant:</b>	<b>The governing body of Glenburn Sports College</b>
<b>Date of Adjudicator's Determination:</b>	<b>14 August 2015</b>

### **Determination**

**Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby approve the proposal to discontinue Glenburn Sports College with effect for 31 August 2016.**

### **The referral**

1. On 19 June 2015 Lancashire County Council, in its capacity as the local authority (the LA) wrote to the Office of the Schools Adjudicator (OSA) on behalf of the governing body of the Glenburn Sports College (the school), referring a decision that it, the LA, as decision maker, had made on 19 May 2015 to cease to maintain Glenburn Sports College, an 11- 16 foundation school, from 31 August 2016.
2. The governing body of the school has appealed against the decision on the grounds that: the LA's decision took insufficient account of parental views concerning the alternative provision and its educational standards; there will be insufficient places in the town to meet future demand; the walking routes to the alternative school are unsafe; and there will be a negative impact on sport and community facilities in the area if this school is closed.

### **Jurisdiction**

3. On 2 March 2015, having carried out a consultation as required for making a statutory proposal, the LA formally published its proposal. The notice was in the form required by the Education and Inspections Act 2006 (the Act).

4. On 19 May 2015 the Cabinet Member for Children, Young People and Schools acting on behalf of the LA resolved to proceed with the proposal having considered representations made about the statutory proposal. The school was informed of this decision on 22 May 2015.

5. The school's governing body lodged an appeal that the proposal be referred to the adjudicator on the 18 June 2015. The proposer forwarded the appeal and its comments on it to the OSA, in accordance with the provisions of the Act and also the relevant Regulations, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 (the Regulations).

6. I am satisfied that this proposal has been properly referred to me in accordance with the Act and the Regulations and that 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:

- a. the reports to the Lancashire County Council Cabinet Member for Children, Young People and Schools on 23 October 2014, 12 February 2015 and 19 May 2015;
- b. prescribed information from the proposer as set out in the relevant regulations;
- c. copies of objections received after publication of the proposals;
- d. the proposer's response to the objections and comments received;
- e. information and views submitted by the school's governing body;
- f. comments made by the proposer in response to the appeal;
- g. the Ofsted inspection reports for the school and for Lathom High School;
- h. maps showing the distribution of where the pupils who attend the local schools live;
- i. letters and other material from parents and other interested parties; and
- j. further correspondence and information submitted by the school, the LA and other correspondents following the original submissions.

9. On 22 July 2015 I visited the school to view at first hand the school and its locality. I held a meeting with representatives of the school and the LA. I also held a public meeting to listen to any other points that interested parties wished

to make. I have considered all the information and representations put to me at these meetings and subsequently.

### **The Proposal**

10. The proposal is that Lancashire County Council intends to discontinue Glenburn Sports College from 31 August 2016. The proposed transitional arrangements are:

- Pupils in Year 6 in September 2014 will not be admitted in September 2015 and will be offered a place at Lathom High school.
- Pupils in Year 7 in September 2014 will move to Lathom High School in September 2015.
- Pupils in Year 8 in September 2014 will remain at Glenburn Sports College School and will transfer to Lathom High School in September 2016
- Pupils in Year 9 in September 2014 will transfer to Lathom High School in September 2015.
- Pupils in Year 10 in September 2014 will be able to complete their GCSE exams at the school in summer 2016.

### **Background and Context**

11. The school is located on a large site with extensive sports fields and other sporting facilities. The school is based around three separate classroom blocks and has an allotment and a large sports hall. The buildings are well maintained. On entering the school down its access road, a visitor is confronted by abandoned West Lancashire College buildings that have been boarded up following a relocation of the college campus. In July 2015 there were 313 students roll. The capacity of the school is 1020. Department for Education (DfE) statistics as shown on edubase show that the school has 38.4 per cent of the students eligible for free school meals,

12. The school has been a foundation school since 2010 and a foundation trust called the Glenburn Education Trust oversees the school. There are four trust directors who represent West Lancashire College (part of the Newcastle College group); the education department for Lancashire County Council; leisure services for West Lancashire Borough Council and West Lancashire Council for Voluntary Service. The Trust has oversight of the school and receives regular reports from the headteacher. The Trust appoints some of the members of the governing body.

13. The school was placed on the LA's list of schools requiring additional support for educational reasons prior to the school's inspection in September 2008. At that inspection the school was judged to require significant improvement.

14. The school met the criteria for involvement in the "National Challenge" programme over the three year period from 2008-2011. This led to additional funding and a programme of support and intervention, including 10 days support from a national challenge adviser.

15. At the next Ofsted inspection in December 2009, the school was judged to be providing a satisfactory education for its pupils and therefore no longer required significant improvement.

16. At the Ofsted inspection in February 2013 the school was judged to require improvement. It received a positive first monitoring visit in April 2013. Following the provisional GCSE results in August 2013 the additional support provided by the LA was reviewed and a more intensive level of support was put in place following the shortfall in results compared to the targets agreed by the governing body and also against national results. The LA provided a table that showed that attainment at the school has remained at or below the government floor targets over time and below the attainment of other schools in the area.

school	Per cent making expected progress		Per cent of pupils attaining 5A* - C grades at GCSE including English and Maths					Ofsted Grade
	English	Maths	2009/10	10/11	11/12	12/13	13/14	
Glenburn	44	41	38	29	39	41	27	Inadequate
Lathom	63	72	47	50	49	67	43	Requires improvement
Up Holland	73	80	53	53	69	58	68	Inadequate
Our Lady Queen of Peace	56	66	51	62	62	66	46	Good

17. The LA reports that in 2013, the then headteacher of the school, in a regular report to the Glenburn Education Trust, informed the trust that he was deeply concerned about the medium term viability of the school on the grounds of low and declining pupil numbers and financial viability. Following some initial discussions with the LA, the governing body formally approached the LA with a request to broker discussions with other local schools about the development of closer collaboration on the principle of "One school for Skelmersdale".

18. Initial discussions were brokered by the LA in February 2014 between the acting headteachers of Glenburn and Lathom High School and the respective chairs of governors. These discussions focussed around the possibility of Glenburn and Lathom working together on a much closer basis including joint curriculum planning, shared staffing arrangements and possible shared leadership and management arrangements in order to try to ensure that both schools could operate more effectively. After discussion, the proposal was not agreed by all the parties and did not proceed.

19. In March 2014 the school was inspected again and judged by OFSTED to require special measures. There have been four subsequent monitoring inspections by Ofsted, three of which have made judgements on the progress of

the school. In the first two monitoring visits, inspectors judged that the school was not making sufficient progress towards the removal of special measures. The latest inspection (June 2015) judged the school to be making reasonable progress.

20. When the school was judged to require special measures the LA's school adviser worked with the senior leaders of the school to produce a school action plan and LA statement of action. The LA has provided consultant support to the school over the last two years in the core curriculum areas of English, mathematics and science as well as broader support in teaching and learning and in behaviour and attendance. Further support will continue to be provided by the LA's consultants until the school is next inspected. This will continue to be a high level of support in English and mathematics, as requested by the school. In addition the headteacher and senior colleagues from another Lancashire school have provided other support to the school. The cost to the LA of the support provided is in the region of £100,000.

21. Following the outcomes of the March 2014 inspection, as required by the government, detailed discussions were undertaken with the DfE's academies unit by the chair of governors and the chair of the Glenburn Trust around the possibility of the school becoming a sponsored academy led by West Lancashire College (Newcastle College Group). The academy was to be created through the full sponsored route and the LA supported this approach. Following the due diligence process it was concluded by the DfE that the school did not meet the criteria for a sponsored academy.

22. As a consequence of the reductions in the number of pupils, the financial resources available to the school have dropped significantly in recent years. At the end of March 2015 the school had an accumulated deficit of over £300,000 compared to a surplus almost £400,000 two years previously against an annual budget (excluding pupil premium) of £2.4m. Schools are required to set a balanced budget and this will only be achievable in the school's case through further significant staffing reductions and a radical reshaping of the curriculum offer.

23. The small size of the school and the extent of the financial challenge add considerably to the difficulty in making the necessary rapid improvements in education outcomes required to meet the government's targets.

### **The Appeal against the Closure Decision**

24. The governing body asked for the following points to be considered in addition to the views expressed during the consultation period;

25. **Popularity with parents of alternative provision.** Lathom High School has been named by the LA as the suitable alternative provision. However, parental preferences indicate this is not a popular alternative. Of the year groups due to transfer under the transition arrangements only 14 out of 62 Year 7 students, and 11 out of 60 Year 9 students have chosen Lathom High School. Of the current 60 Year 6 students who expressed a preference for Glenburn Sports College only 13 have indicated that Lathom High School is an acceptable alternative. As a direct result of the consultation process 50 students have left

Glenburn Sports College and transferred to other schools, only 4 of these students have chosen Lathom High School.

26. Many students have chosen to be educated outside of Skelmersdale. This is already having an impact on further education provision within the town, with students choosing to continue their post 16 education elsewhere.

27. **Acceptable Educational Standards of Alternative Provision.** Lathom High School requires improvement under Ofsted's categorisation. The governors said that this does not offer an acceptable standard of education for Glenburn's students. An alternative school should be good or better. Governors also expressed concern about the future viability of Lathom High School, which they believe to be in budget deficit and has also experienced a decline in pupil numbers in recent years. They do not think it reasonable to direct pupils to attend a school which may be in danger of becoming unviable.

28. **Insufficient school places to meet future demand in Skelmersdale.** Based on census figures, housing development projections and pupil migration, the governing body says that the closure of Glenburn Sports College will result in a deficiency of secondary school places in Skelmersdale in future years. Initially, Glenburn students can be accommodated at Lathom High School. However, in 2019 it is currently projected that there will be a shortage of secondary school places in the area by around 30 places.

29. **Accessibility of alternative provision by safe travel routes.** The nature and layout of Skelmersdale as a planned new town is dependent upon transport by vehicle rather than by foot. Therefore, there is a lack of safe walking routes. There are no direct paths to Lathom High School which was designed to be accessed by vehicle. The governors say that the routes available are not well lit or sign-posted, subways are often flooded and the minimum walking time each way is 1 hour 20 minutes. There is no direct public transport route.

30. **Impact on family and community activities.** Glenburn has excellent sport and community facilities which the governors say do not exist at Lathom in the same form, so there will be a potential loss to the students and community in the event of closure. The governors say that opportunities and extracurricular activities will be restricted for students who will be transferring to Lathom due to the long travel time. In addition students are unlikely to stay after school and walk home in the dark. Given the high levels of deprivation within the area served by Glenburn, the governors believe that the closure will further disadvantage hard-pressed working families, for example, through additional financial burden, loss of local extracurricular provision, and limitation of parental involvement. It is likely that pupils' attendance, punctuality and health will be adversely affected.

31. **Taking into account parental and community views.** During the consultation processes the governors say that the views expressed by parents and the local community were not fully considered. They say that this can be seen in the responses to consultation in reports to the Cabinet Member.

32. **Improving standards.** Ofsted undertook the termly monitoring of the school on 24th and 25th June 2015. The inspectors reported that the school was

making progress towards the removal of special measures.

33. **Other plans for the school site.** Governors expressed some concerns about alternative plans for the use of the Glenburn site, which may have influenced the decision to discontinue the school. They understand there are proposals for the development of a new railway station on the site in the future.

### **Consideration of Factors**

34. I must take into account the provisions of the Act, the Regulations and the DfE Guidance “School Organisation – Guidance for proposers and decision-makers” (the guidance) published in January 2014 that apply to this case. The guidance sets out the matters that decision makers must take into account when making a decision about this school closure. I have considered the statutory process and the proposal for closure afresh taking careful account of the arguments put to me by the LA and the school, as well as the parents and other interested parties who have written to me or made submissions.

35. I would like to express my appreciation of the time, the thought and the care that has gone into the many submissions. I have read and carefully considered everything that has been sent to me and the considerations below take account of the factual information and views that have been expressed to me.

36. I began by considering the factors that the guidance requires decision makers to take into account, these are grouped under the following headings:

- the consultation and representation period;
- education standards and diversity of provision;
- the need for places;
- school size;
- equal opportunity issues;
- community cohesion;
- travel and accessibility;
- capital;
- school premises and playing fields

For each of these headings I shall be considering the LA’s case for closure, the comments from the school and from other parties and other relevant information that will help inform my decision making.

### **The statutory process, consultation and the representation period**

37. The LA has clearly set out its process and how it followed the guidance in drawing up its consultation and in publishing its statutory proposal. It has shared the minutes of the consultation event, held on 20 November 2014 attended by 83 people, and representation that it received about the consultation and then the statutory notice. These provide evidence that the guidance has been followed. In addition to the statutory notice, the prescribed information was set out in the full statutory proposal that was available upon request and referred to within the notice. The consultation took place between 3 November 2014 and 14 December 2014 and the representation period was from 2 March 2015 until 29 March 2015. The school has expressed concern that the consultation responses were not give due consideration or weight when decisions were made.

38. I am satisfied that the LA has followed the guidance in respect of the statutory process including the consultation and publication of the statutory notice. I have found no evidence that the LA did not consider the representations made. In my view the LA has shown its consideration of the responses to consultation in its committee papers. There was dissatisfaction expressed by some who attended the consultation event because they asked questions and the staff present were unable to answer them. The LA has however recorded all the questions and answers were subsequently provided and in this respect has complied with the guidance.

### **Education standards and diversity of provision**

39. The guidance requires decision makers to consider the quality and diversity of schools in the relevant area and whether the proposal will meet the aspirations of parents, raise local standards and narrow attainment gaps.

40. The proposer's opinion is that the educational standards in the school are insufficient to provide for the students who attend. The LA proposes that any student displaced by the closure of the school is guaranteed a place at Lathom High School, which is located less than two miles from the school. The governing body and many of the parents who spoke at the public meeting do not think that Lathom High School is a suitable alternative school because it is judged by Ofsted to require improvement. The LA responded to this point by saying that leadership and management are good and that the alternative school has exceeded the floor targets required by the government and achieves better results at GCSE. It is clear that many parents agree with the governing body's view and have chosen not to accept a place at the alternative school and have already sought places at other schools in the area.

41. The LA's view is that retaining the school will not raise local standards and narrow attainment gaps because the school is and will remain too small to enable it to deliver the breadth of curriculum required and for there to be sufficient economies of scale to allow teachers to specialise in their subjects. Consolidating pupils into one school instead of two will bring these benefits, allow more economies of scale so that more staff can be employed and provide more flexibility within the budget. The table set out above in paragraph 16 shows the attainment at the schools in the area in recent years and illustrates how the school lags behind all the others in the area.



42. I am satisfied that the LA has made the case for change on the grounds of standards, the number of pupils and budgets, I can see that the school proposed to take displaced pupils has higher standards than Glenburn Sports College. I note the appellants concern about attainment in the alternative school but the data in paragraph 16 do not support this concern.

### Demand for places

43. The guidance says that “*reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.*” In this case there are 60 per cent of surplus places in the school. Between 1992 and 2002 there was a 17 per cent fall in the birth rate across Lancashire, and in Skelmersdale the LA reports that the declining birth rate has led to a 24 per cent fall in secondary school numbers between 2005/6 and 2013/14. There are now 36 per cent surplus places among the four schools in the area and numbers are not expected to increase significantly in the near future. The closure of the school will reduce the number of surplus places across the area.

44. The governing body points out that in 2019 there will be insufficient places in the area for the projected number of pupils. The LA agrees with this figure but says that it is a modest surplus in the region of one class across the area and does not consider that it would be a problem to create an additional class for that particular year. The LA provided the following table:

school	type	Number on roll – provisional figures from spring 2015 census							Net capacity
		Y7	Y8	Y9	Y10	Y11	total	PAN	
Glenburn	Foundation	64	63	61	61	79	328	167	1020
Lathom	Foundation	87	97	89	129	146	548	160	861
Up Holland	community	105	120	142	112	154	633	180	900
Our Lady Queen of Peace	Voluntary aided	191	184	153	142	163	833	185	945
totals		447	464	445	444	542	2342	692	3726

45. Overall I consider that the table produced by the LA shows clearly that there is a reasonable match between projected demand and the availability of school places in the area. I heard comments made that the LA had included Up Holland School from outside the area in order to make the figures work.

However, when I was shown the maps that display the distribution of young people in the area and the schools that they attend I was able to see that young people from the area already attend this school. It seems to me to be reasonable to take into account spaces available in schools just outside the area. Many parents appear to have applied for places in these schools in recent years and successfully gained places for their children. The important point is that there are sufficient places for the projected numbers of children with the exception of the small shortfall in 2019 that the LA says it will plan for.

### **School size**

46. The guidance says that *“decision makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost effectiveness of a proposal is an important factor for consideration.”*

47. At the time of my visit in July 2015, the school had 313 pupils. The school argues that the numbers are falling because of the proposed closure but the LA figures show that the numbers have been falling over the last 8 years and that the fall cannot be wholly attributed to the closure proposal. There is general agreement that a secondary school of around 600 pupils is at the size where the budget will begin to enable specialist teachers to be deployed across a broad curriculum and for the school to have a management structure. There are examples of smaller schools across the country, they are likely to require special help with their budgets and in most cases there will be a balance between the need for the school in that particular location and the cost of providing it. In this case there is no single reason for a small school to continue in this location. There are other schools nearby with sufficient space to meet the needs of children in the area.

48. I heard the argument that the LA could have decided to close one of the other schools to rationalise the provision in the area. This is a reasonable argument, but the data show that this is the smallest school with the lowest attainment and I consider that the LA has made a reasonable decision in selecting this school for closure.

### **Equal opportunity issues**

49. The guidance says that *“the decision maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed.”*

50. The LA has undertaken an equalities impact study and this shows that 188 pupils at the school will be directly affected by this change and will need to move to another school if it closes. Most of the pupils are of White British heritage and speak English as their first language; 3.6 per cent pupils have a statement of special education needs; and 11.6 per cent of pupils are identified as having special educational needs but not requiring a statement. The LA has established that all of the pupils with special education needs will be able to transfer to other mainstream schools. Other issues identified were around transport to school and I shall cover this below.

## Community cohesion

51. When considering a proposal, the guidance says that *“the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.”*

52. Parents at the public meeting informed me that they thought their children were happy at the school and did not think they would be happy at an alternative school. Others told me about the community facilities that are run after-school through the local sports clubs that use the school facilities. Regret was expressed about the potential closure of these clubs if the school was closed. I deal with this point below.

## Travel and accessibility

53. The guidance says that *“the decision-maker should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA’s duty to promote the use of sustainable travel transport to school.”*

54. At my meeting with representatives of the school and the LA, I learnt that the LA has not yet assessed the safe walking routes to the alternative school and as a result had not finalised its policy on transport related to the proposed closure. It was agreed that the LA’s transport officer would take this forward without delay with the assistance of the school’s governing body. I was subsequently informed that *“the information gathered from this exercise and a review of other potential routes, together with data available to the authority about traffic flows and accident statistics is currently being assessed to enable decisions to be taken next month about the suitability of particular routes and the implications of that for eligibility for transport provision for pupils attending the alternative school. This review will be completed in time for any actions to be implemented at the start of the autumn term.”*

55. Parents and governors made the point that the new school is not on a direct bus route, the walking routes are potentially dangerous and as many parents do not have cars pupils may have to take buses or a taxi to get to school and parents will find this difficult financially. It was pointed out that Skelmersdale is a new town and does not have pavements for pedestrians instead; there are separate walkways through underpasses, which many parents consider to be dangerous. These walkways were designed to be away from traffic.

56. I was provided with copies of maps that show the distribution of pupils at the schools. There are many pupils who, through preference, already attend the alternative school who live in the same areas that some parents say it will be difficult for their children to attend. There are buses but it is true that there are

no direct buses between the school sites. It was a matter of concern that the LA had not completed this detailed work on safe walking routes at the time of my meeting and could not say who if anyone would be eligible for assistance with transport. The LA knows where the displaced pupils live and also knows their preference for an alternative school in the event of this school closing. Following discussions on this point with the LA and the school I am satisfied that this work is now in hand and the LA has undertaken to have it completed before the start of the autumn term 2015.

## **Capital**

57. The LA has committed £0.5 million to improvements at the alternative school so that it is able to accommodate successfully additional pupils in September 2015 and in subsequent years as its numbers increase. The LA has noted in its pupil number forecasts that there is potential in the year 2019 that the current accommodation will have a small shortfall against the projected people numbers and it is planning for an additional class in one of the schools to accommodate the bulge at that time.

## **School premises and playing field**

58. One of the main arguments from the governing body about the closure of the school concerns the loss of the sporting facilities that are used by the community outside school hours. The sports facilities include several football pitches, an all-weather pitch, tennis courts, a large sports hall and a gym. I was provided with a copy of the extensive programme of activities that includes meetings for the local scout group, dance groups, martial arts groups, archery, trampolining, tennis, netball, basketball, gymnastics and other team sports that take place on a weekly basis. The sports facilities are the base for a community sports partnership called "activ8" that promotes activities there. I was informed that there is a shortage of suitable sports facilities that the community can use around the town and that the location at the school is very central and makes it convenient for those who wish to participate.

59. The LA has argued that it does not have a responsibility to provide out of school sporting activities and that this is the responsibility of the local borough council. The borough council is West Lancashire Borough Council and it is currently conducting a review of sports and leisure facilities in Skelmersdale. It has identified the need for a new sports centre in the area and it has also concluded that there is sufficient outdoor provision around the town and that no new provision needs to be established even if the facilities at the school are closed. It says that there is spare capacity at Blaguegate, which is easily accessible by most groups and individuals, some of whom come from out of the area.

60. The LA and the borough council have been clear that in order to retain the facilities run on the site they would need to be self funding. The LA has said that it will work with any groups who would be willing to set up a community interest company or social enterprise. The school is a foundation school and has a foundation trust. The LA has not yet clarified whether, when the trust was set up, the title to the land was transferred from the LA to the trust but the LA is assuming that if the school closes then the land will revert to the LA. The LA

said that it does not have specific plans for the future of the site. There had been some discussion involving the west Lancashire College and the trust about the possibility of a new railway station for Skelmersdale but this was very speculative, the LA said that it would also consider holding the site in case there was need and funding in the future for a new school for the area.

### **Further Considerations**

61. In drawing these issues to a conclusion I have tried to separate facts from opinion in as much as this is possible. I first considered the LA's statutory proposal to close the school.

62. The LA made it clear on several occasions during the discussions that it was educational standards and the number of pupils together with finance that led to the closure proposal.

63. The LA's argument is that this is a school that has been judged to require special measure by Ofsted. In the last monitoring inspection, Ofsted said that the school was making reasonable progress in its move out of special measures. The school has had low attainment for the last 7 years. The number of pupils on roll has fallen and is currently around 313 pupils in buildings that have the capacity for 1020. The LA tried to broker a partnership agreement with a local school but this was not agreed. The LA then tried to seek a sponsor for the school so that it could continue as a sponsored academy but this was not agreed by the DfE because the proposal did not pass its due diligence tests.

64. There are some matters referred to above where the LA and the school do not agree. The first matter is whether or not the school has the capacity to improve in the short term. There is a new and stronger governing body at the school and an acting headteacher who wishes to see the school improve. The LA takes the view that while improvement is possible, extensive support in recent years has not brought the improvements required and the low pupil numbers will continue to make improvement difficult. The parents who gave their views at the public meeting and subsequently in correspondence made the point that their children were very happy at the school and change would be disruptive for them. While this is a consideration, it is not an argument for any change and I consider that it can be mitigated by a careful transition process.

65. The school notes that the closure consultation has had a disruptive effect on the school and anticipates that if the Key Stage 4 results are low this year then this could be one of the reasons for this. I can see that this may possibly be the case but it does nothing to change the LA's argument.

66. There is no significant disagreement about the overall number of children in the area. The disagreement is about whether the outward migration of pupils from the area should be taken into account or not. The LA considers that it must take account of parental preferences while the school considers that the LA should ensure local school places for all local children. I have considered this point and concluded that the LA has made reasonable assumptions about parental preferences and about future projected numbers. The LA has acknowledged that there may be a shortfall of places in 2019 but it has explained its contingency plan if this does happen. The LA has also said that if

the situation changes and there is unexpected population growth in the area then it could review the provision in the area and if appropriate consider the possibility of a new school.

67. The LA has asserted that a secondary school that has 313 pupils is too small to be financially sustainable or to be able to offer the full breadth of the curriculum. The school has disagreed with this and considers that it could balance its budget and provide an effective curriculum while acknowledging that it will be difficult to do this with around 18 teaching staff. I understand the school's view that it would like to improve but when I balance the issues, I conclude that the proposal to create larger schools is more likely to improve standards in a sustainable way than by retaining smaller schools with all the issues discussed above.

68. I then considered the weight that should be given to the community impact of this proposal. Much was made in the public meeting about the central location of this school and the community use of the sports facilities. The LA has said that it will explore ways that these could be retained if the school closes. The LA has also suggested a company could be set up to take on the facilities. The school says that the current business model is cost neutral to the school. In addition to the potential loss of the sports facilities, there were those who expressed the view that the closure of the school was taking away from the future of Skelmersdale. I can understand that it is disappointing to have a proposal that a school is removed but on this occasion I consider that the LA is right to take clear action in carrying out its responsibilities for the provision of education. The potential loss of the sporting facilities may have a detrimental affect on the community if they cannot be continued or some work is done to facilitate moves to other facilities in the area. There are 12 months for this work to be undertaken before the proposed date for the school to close and although it is outside my jurisdiction I can only comment that it is obvious to me that this an important piece of work. The four directors of the trust representing the LA, the college, the borough and the voluntary sector have a significant responsibility in ensuring that their organisations work together for the benefit of the local community and explore suitable solutions to this matter.

69. Displaced pupils have been offered places at the neighbouring school that has the capacity to take them. The evidence is that many parents have chosen not to take up this option, but have selected alternative schools. Parents may express a preference for alternative schools and if places are available they have to be provided. The LA has planned for most pupils to transfer to Lathom High School, but will need to consider how it can support a smooth transition for all those pupils who have been displaced. Associated with this matter is the concern that parents will not receive help with any transport costs from the LA and that the children walking to school will have long journeys along footpaths that some consider to be unsafe. The LA has now undertaken to review this and I am satisfied that this work is in hand.

## **Conclusion**

70. The LA has presented its argument for closure of a school in special measures on the grounds of the falling number of pupils on roll, low attainment and financial constraints. The school has countered this by saying that it has

the capacity to improve despite its small size and the financial constraints that this will bring. The school, parents and others have raised concerns about loss of community facilities, future pupil number increases and travel issues for pupils in getting to the alternative school.

71. I have concluded that I should agree the proposal to discontinue the school on the grounds that the school has reached a size that is on the edge of sustainability, both educationally and financially, and that with reduced pupil numbers across the area the opportunity for the numbers to increase in the future are limited.

72. I have considered whether the designated alternative school is a suitable alternative and concluded that although it is judged by Ofsted to require improvement it has consistently had higher attainment than the school to be closed and with increased pupil numbers it will have a larger budget and this will allow it to increase the number of specialist staff. There is no guarantee that this will lead to improvement but on balance I consider that with LA support the chances of improvement are greater than if the two schools remain as small schools. The LA will monitor progress and if it is not as required it will need to take further action to secure this.

73. The projections of the number of pupils are not disputed and there will be a bulge in the future, the LA has committed to managing this when it arrives.

74. The community benefits of the sports facilities have not been secured and it is unclear how these could be sustained and whether this would be cost neutral. This is a piece of work that will need to be completed over the next 12 months.

75. Having considered the proposal to discontinue Glenburn Sports College; the reasons for the LA's decision; the objections to the proposal and the school's appeal against the LA's decision; and taking into account the relevant legislation and guidance, it is my conclusion that the proposal should be agreed.

### **Determination**

**76. Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby approve the proposal to discontinue Glenburn Sports College with effect from 31 August 2016.**

Dated: 14 August 2015

Signed:

Schools Adjudicator: David Lennard Jones