



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference: STP619**

**Proposal: To discontinue Rice Lane Community Infant School and Rice Lane Junior School and establish Rice Lane Community Primary School.**

**Proposer: Liverpool City Council**

**Date of Adjudicator's Determination: 13 March 2015**

### **Determination**

**Under the powers conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Rice Lane Infant School and Rice Lane Junior School, two community schools, with effect from 31 August 2015 and to establish Rice Lane Community Primary School on 1 September 2015.**

### **The referral**

1. On 13 February 2015, Liverpool City Council (LA) wrote to the Office of the Schools Adjudicator (OSA) referring its own proposal made under sections 15 and 11 of the Education and Inspections Act 2006 (the Act) for consideration under Schedule 2 to the Act. The proposal is to close two community schools, Rice Lane Infant School (the infant school) and Rice Lane Junior School (the junior school) on 31 August 2015 and to establish Rice Lane Community Primary School for pupils aged 4-11 on 1 September 2015.

### **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 the discontinuance of an infant and junior school (the schools) and the establishment of a new primary school to replace those schools. When local authorities use these powers, the admission authority is the LA and the Schools Adjudicator is the decision maker.

3. On 9 January 2015, having carried out the appropriate statutory consultation, the LA formally published statutory notices. The notices were in the form required by the Act, to discontinue the schools on 31 August 2015 and to establish a new community primary school on 1 September 2015. The notice met the requirements of Schedule 1 and 2 to the School Organisation (Establishment and Discontinuance

of Schools) (England) Regulations 2013, (the Regulations). No representations were received and following the statutory four week statutory consultation period, the LA forwarded the information specified in sections 15 and 11 of the Act to the OSA for a decision.

4. I am satisfied that this proposal has been properly referred to me in accordance with Schedule 2 to the Act and that, therefore, I have jurisdiction to determine this matter.

### **Procedures**

5. In considering this matter I have had regard to all the relevant legislation including the statutory guidance for decision makers, School Organisation, Maintained Schools, Annex B: Guidance for Decision Makers, January 2014.

6. I have considered all the papers put before me, including the following:

- the formal request by the LA, to the OSA, for a decision on the proposal, dated on 13 February 2015;
- the minutes of six consultation meetings for parents, staff and governors held at Rice Lane Infant and Junior Schools, on 1 and 3 April 2014;
- a copy of the presentation used by the LA at consultation meetings for parents, staff and governors on 1 and 3 April 2014;
- extracts of the minutes of meetings of the governing body of the infant school on 13 May and the junior school on 14 May 2014;
- prescribed information from the proposer as set out in the Regulations;
- copies of seven responses to the consultation and the LA's response to feedback on the consultation as published in Liverpool City Council's cabinet papers EDCS/06, 19 December 2015;
- Liverpool City Council's cabinet papers EDCS/06 'Proposal to amalgamate Rice Lane Community Infant and Junior Schools with effect from 1<sup>st</sup> September 2015' dated 19 December 2014;
- Liverpool City Council's School Organisation Policy 2007;
- the LA's written confirmation of 13 February 2015 that no representations were made in response to the statutory proposal;
- the most recent Ofsted inspection reports for both of the schools; and
- a letter from headteacher of the infant school/interim headteacher of the junior school dated 26 February 2015.

## The Background and the Proposal

7. The LA's school organisation policy (2007), states that *"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."* Hence, when the headteacher of the junior school decided to retire at the end of the summer term 2014, the LA held discussions with both schools about arrangements for the future and requested both governing bodies to consider developing an all through primary school. Both schools agreed that the LA should consult all members of the school community on a proposal to 'amalgamate' by discontinuing the infant and junior schools and establishing a new primary school.

9. Following a non-statutory period of consultation, which began on 24 March 2014 and ended 2 May 2014, both of the schools' governing bodies agreed to support a statutory proposal. In the following September, after the retirement of the junior school's headteacher, the headteacher of the infant school became interim head of the junior school. This arrangement is to continue until the future of schools is resolved and the LA and governing bodies have decided that, should the proposal be approved, the existing headteacher of the infant school will become the headteacher of the new primary school.

10. The LA originally consulted on the existing schools' closure at the end of the Spring term 2014 and the new school's establishment at the start of the Summer term 2014. However, during consultation the LA agreed to the governors' request to delay any change until the start of the new academic year. Consequently, when statutory notices were published on 9 January 2015, closure of the infant and junior schools was proposed for 31 August 2015 and the opening of the new school for 1 September 2015.

11. The proposed new school is to occupy the same site and buildings as those currently used by the infant and junior schools but substantial building work is necessary to improve teaching spaces and to establish a single school. The infant school also has a nursery which is located in a separate building on the same site and the proposed new school intends to offer the same level of nursery provision.

12. The LA contends that the potential benefits of this proposal are that the two schools will build on their strengths and that:

- continuity of education will enhance the curriculum and teaching methodologies to raise standards;
- greater knowledge of children will support assessment; leading to better target setting and tracking of progress and thereby improve children's achievement;
- there will be greater opportunities for the social, moral, academic development of pupils across the age range;
- stress will be reduced as parents will not have to re-assess their choice of school at the end of Year 2 and parents and children will not have to start a new school from Year 3;

- the larger staff group will reduce teachers' range of responsibilities, provide opportunity to work across the primary age range and allow for more career opportunities; and
- school policies will be consistently implemented across the age range and efficiencies will be achieved in school administration.

## **Consideration of factors**

### Standards of Education

13. The LA and governing bodies expect the new primary school to sustain and enhance the quality of education which already exists in the infant and junior schools. They assert that opportunities for continuity in planning, curriculum, teaching methodology and assessment will be greater in an all through primary school and, therefore, that there will be opportunity to further improve children's learning.

14. The infant school was last inspected by Ofsted in December 2006. The report says *"This is an outstanding school in which pupils achieve exceptionally well in relation to both their personal and their academic development. They reach high standards by the time they move to junior school...This is the result of the high quality learning the school offers, its exceptional leadership and excellent teamwork. Parents hold the school in the highest regard."* During consultation on the proposal some respondents understandably asked if the Ofsted judgement was valid as it had been made a long time previously. In fact the infant school's outstanding performance was confirmed in June 2010, when an interim Ofsted assessment reported that the school had sustained its effectiveness since the full inspection and the LA's more recent review of the school confirmed this judgement.

15. The junior school was last inspected by Ofsted in May 2012. The report judges it to be a good school, and says *"Achievement is good and attainment overall is above average. Teaching is good so all groups of pupils achieve well over time. Pupils enjoy their lessons and show good attitudes to learning. Pupils feel happy, safe and secure, shown by their good behaviour and attitudes and above average attendance...Parents and carers expressed positive views...particularly about the way the school cares for their children."* The report says that the school is not yet outstanding because standards in writing are only average. Data published by Ofsted indicates attainment in writing has improved since 2012 and attainment in grammar, spelling and punctuation has improved since the test was introduced in 2013.

16. My view is that replacing the existing schools with an all through primary school has the potential to improve children's learning and raise standards further by securing continuity and consistency across the primary age range.

### Pupil Numbers and Admissions

17. In January 2014 there were 263 pupils on roll at the infant school and 353 pupils on roll at junior school making a combined total of 616. The proposed primary school would have a published admission number of 90 and offer 630 places, for

pupils aged 4 to 11, thus providing the same number of places as is currently available in the existing schools.

18. The new primary school would also continue to offer up to 60 full-time-equivalent nursery places, for up to 120 children and a small number of places for two year olds. The LA reports that the infant school's nursery is operating at 85 per cent occupancy and that overall occupancy in the locality is 78.4 per cent. While, there are plans to reduce surplus nursery capacity elsewhere in the area, (through the redevelopment of existing nursery places to meet the need for places for two year olds), the LA intends to continue to fund the same number of nursery places in the new school because the current nursery provision is of a high quality and popular with parents.

19. It is expected that pupils already attending the infant and junior schools will be able to transfer automatically to the new community primary school, unless parents decide to seek a place in a different school. As for all community schools, the LA would continue to be the admissions authority for the new school; determining the admissions arrangements. It is not anticipated that overall admissions arrangements would change from the current ones.

20. A minor alteration, of 34 metres, would be made to the point at which 'home to school distance' would be measured on the school's site. The new point would be half way point between the current infant and junior school admission points and the alteration appears a sensible alternative for the new primary school. It should have no adverse impact on admissions; as the school has not been oversubscribed in the past three years and the current distance measure has not been used to prioritise admission.

21. I am satisfied that the proposed primary school and nursery 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. Displacement is not expected and admission arrangements remain the same as those for all of the LA's community schools.

#### Community Cohesion and Travel to School

22. The impact of the closure of the two schools on the community is expected to be minimal, since it is envisaged that the majority of pupils would transfer onto the roll of the new community primary school. The LA says that the new school, situated in the heart of the local community would offer a consistent, inclusive vision and ethos to benefit pupils, staff, parents and carers. The proposal asserts that the new school would teach a multi-cultural, multi-faith curriculum where every child is considered to be a unique and special person, receiving the support they need.

23. The LA has committed to work in partnership with the school to support parents/carers and children through any change process, ensuring where necessary that the appropriate transitional arrangements are put in place. As children would travel to the same site as they did previously, it is envisaged that they would continue to use the same patterns of transport and walking pathways as currently. The new school is committed to adopting a school travel plan setting out how it would encourage a reduction in car use.

### Premises, Costs and Planning Permission

24. The proposed new school would utilise the current site and the buildings of the infant and junior schools. However, substantial building work is considered essential for the new school. The cost of the building programme is estimated at £1.5 million and the LA has secured funding through its capital programme. Planning permission is required and the LA reports that it is expected to be granted in early May 2015. The plan to enlarge infant classrooms, link the infant and junior school buildings and provide a main reception point and a large staff room, will impact on other areas of the school, including resulting in a loss of some current parking spaces. The LA intends to purchase a parcel of land which is adjacent to the school for additional parking. However, it confirms that the amalgamation is not dependent on the additional parking.

25. I am satisfied that arrangements are well underway to ensure that the premises of the proposed new school are fit for purpose and there is a strong commitment to minimising any disruption while children are learning.

### Extended Services

26. Currently the schools offer a range of 'out of school' activities. Children can attend breakfast club and after school club. Parents are able to reserve wrap around care sessions for young children and the infant school works in partnership with the LA to offer nursery provision for two year olds. The junior school advertises a range of after school clubs including drama, multi sports, singing, homework and dance. The schools work with a variety of outside agencies via the LA's parent partnership service, for example, the junior school newsletter advertises courses for families on child development. The LA says that the new school would create a strong sense of 'togetherness' throughout the school community and in my view there is no reason to envisage any reduction in the current commitment to extended services.

### Consultation

27. Consultations on the proposal began on 24 March 2014. The appropriate stakeholders were consulted and leaflets were distributed to the parents of every child and all stakeholders. Meetings involving parents, staff, trade union representatives and governors were held at the schools. The LA received seven written responses, which mostly expressed reservation about the proposal. Following discussions on the 13 and 14 May 2014 both governing bodies agreed to support a LA proposal to close the existing schools and open a new community primary school at the start of the new academic year 2015.

28. On 19 December 2014 the formal proposal, minutes and letters from the consultation and the LA's responses were presented to a cabinet meeting at Liverpool City Council. The proposal was agreed and on 9 January 2015 statutory notices were published. No comments or objections were received during the 4 week period for representations and on 13 February 2015 the LA requested the OSA to consider the proposal. I have looked carefully at the LA's record of the

consultation and I am satisfied that the process met requirements and adopted good practice in having a 'pre-publication' consultation. The statutory notices contained all necessary information and a minor error in an annex was corrected. The cost of the statutory process is to be met from the LA's base budget.

29. Reservations about the proposal included concerns about: children attending a larger school; the quality of education in the new school; not advertising the post of headteacher; potential job losses; future conditions of service for staff; and disruption caused by building work. There was also suspicion that the proposal was only designed to save money and that the consultation was a 'done deal' and not offering any alternative options.

30. I am satisfied that the LA had proper regard to all comments and criticism and that issues were addressed in consultation meetings and reported in the Liverpool City Council cabinet papers of 19 December 2014. By the time the statutory notices were published the infant and junior schools shared, albeit on an interim basis, the same headteacher. This development could explain why the LA received no responses during the period for representations as those expressing concerns may have had their worries allayed by the new arrangement.

### **Conclusion**

31. The LA and governing bodies support this proposal. Reservations were expressed at the consultation stage, but no representations were made during the statutory period for representations. I am satisfied that the LA acted appropriately in conducting the consultation and met all requirements expected of the proposer and moreover that the proposal has the potential to build on the strengths of these two successful schools and improve children's learning and outcomes. The proposal includes a firm commitment to maximising the opportunities offered by all through primary school to enhance children's learning. The proposed transition arrangements are straightforward and admission numbers in the proposed new school match the capacity of the current schools, which are not oversubscribed. The LA has secured the capital funding which is essential to improve the buildings and link the schools.

### **Determination**

32 Under the powers conferred on me in paragraph 10 of Schedule 2 to the Education and Inspections Act 2006. I hereby approve the proposal to discontinue Rice Lane Infant School and Rice Lane Junior School, two community schools, with effect from 31 August 2015 and to establish Rice Lane Community Primary School on 1 September 2015.

Dated: 13 March 2015

Signed:

Schools Adjudicator: Ms Christine Herring