



Office of
the Schools
Adjudicator

DETERMINATION

Case Reference: STP633

Proposal: To discontinue Southville Infant & Nursery School and Southville Junior School and establish a new primary school on the same site

Proposer: London Borough of Hounslow

Determination: 11 December 2017

Under the powers conferred on me in Schedule 2 to the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, I have considered the proposal to discontinue Southville Infant & Nursery School and Southville Junior School, two community schools in Hounslow, with effect from 31 August 2018, and to establish a new community primary school on the same site, on 1 September 2018. I hereby approve the proposal.

The referral

1. The London Borough of Hounslow (the local authority) wrote to the Office of the Schools Adjudicator (the OSA) on 6 November 2017 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, Southville Infant & Nursery School (the infant school) and Southville Junior School (the junior school), both community schools, on 31 August 2018 and to establish a new all-through community primary school for pupils aged 3 to 11 years within the existing premises of the schools on 1 September 2018. 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 the 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 Schedule 2 to the Act.

3. Having carried out the appropriate consultation, the local authority formally published statutory notices on 6 October 2017. The notices were in the form required by the Act, to discontinue the schools on 31 August 2018 and to establish a new community primary school on 1 September 2018. The

notices met the requirements of Schedules 1 and 2 to the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (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 the OSA.

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 in April 2016. I have considered all the papers put before me, including the following:

- the formal request by the local authority on 6 November 2017 for a decision on the proposal;
- the local authority's "Schools Amalgamation Policy";
- a copy of the complete proposals;
- a copy of the documentation used at the informal consultation stage;
- notes of the consultation meetings held with governors, parents and staff of the schools;
- copies of responses made to the consultation;
- the report made to the local authority's cabinet following the consultation;
- notification of the cabinet decision made on 19 September 2017 to issue statutory notices in connection with the proposal and to make certain financial provisions;
- a copy of the statutory notice published in the "Chronicle and Informer" local newspaper on 6 October 2017; and
- a copy of the statutory notice displayed on the schools' premises.

I have also considered 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 part of the Feltham area in the London Borough of Hounslow. Each

school has a published admission number (PAN) of 90 and children attending the infant school are given the highest priority for admission to the junior school, after looked after and previously looked after children. The schools occupy different parts of the same building with one front door as the access point for both schools. They are almost full to capacity, having with a combined roll of 614 children in May 2017, plus 82 in the nursery.

7. The proposals are to discontinue the infant and junior schools on 31 August 2018 and to establish on 1 September 2018 an all-through primary school providing places for children aged 3 to 11 years. The new primary school would have a PAN of 90 for reception year, providing for a total roll of 630 children, plus those in the nursery. The new school would open in the existing accommodation of both schools and no significant modifications would be required.

8. These proposals are in accordance with local authority policy as set out in the “Hounslow Council Schools Amalgamation Policy”, issued in January 2017, which states,

“It is generally considered by the Local Authority that the amalgamation of linked infant and junior schools is a positive way to develop and progress school organisation.”

The policy identifies several “triggers” for a discussion with the governing bodies of separate infant and junior schools about the possibility of amalgamation. One of these is when a headteacher vacancy occurs in one or both schools. There is such a vacancy at the junior school, which is currently being filled on an interim basis. Following meetings with the two schools, the local authority commenced the statutory process for closing and opening maintained schools by undertaking an informal consultation exercise, which took place between 28 April and 16 June 2017.

Objections and representations

9. Having considered the responses received during the consultation period, the local authority’s cabinet decided to issue statutory notices for the closure of the infant and junior schools and the opening of a new primary school. These were published on 6 October 2017 and the notice period ended on 3 November 2017. No representations or objections were received by the local authority.

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 December 2014 and judged as ‘good’ by Ofsted. The inspection found that,

“Pupils make good progress during their time in the school. They leave with skills which are better than other pupils’ nationally.”

The school was praised for its effective relationships with junior schools:

“Leaders work very well with other schools to ensure that arrangements for Year 2 pupils moving on to junior school are smooth and information about how well they are doing is accurate.”

12. In a short Ofsted inspection in February 2017, the junior school was judged to have maintained its ‘good’ grading. The inspector reported,

“The actions taken to raise standards in reading and mathematics have had a clear and marked effect. You are ambitious to ensure that the improvements you have made in these significant areas are sustained and raise rates of progress still further.”

13. During the informal consultation that preceded the publication of statutory proposals, the local authority outlined what it saw as the benefits of establishing a primary school. These included:

- the opportunity for planning and assessment to take place across the whole primary age range;
- the removal of the risk of “lost learning” when children have to change schools at the age of seven;
- consistency of leadership and the establishment of a consistent school ethos for children aged four to eleven; and
- improved staff retention and recruitment due to the increased opportunities for career development that a primary school provides.

14. In response to a query raised during the consultation, the local authority provided information on the performance of schools nationally at Key Stage 2 (that is, in the national tests for 11 year olds), from 2012 to 2015. This shows that standards increased more rapidly at primary schools that had immediately beforehand been separate infant and junior schools than at all primary schools nationally.

15. I consider that the good current performance of the two schools and the national data showing rapid improvement at primary schools that had previously been infant and junior schools suggest strongly that these proposals have the potential to improve further the standards of education. The schools have a track record of working together, which would be enhanced by the additional benefits of becoming an all through primary school.

Admission Arrangements, Demand and Need

16. The infant and junior schools are community schools, and as the proposed primary school would also be a community school, the local authority would continue to be the admission authority and would set the admission arrangements for the primary school, as it does for the existing

schools. The generic admission arrangements for primary schools in the local authority are, in fact, the same as those for infant schools. Parents and carers would benefit from not having to make a separate application for admission to the junior school when children are seven years old.

17. The new primary school that is proposed would provide a total of 630 places across the primary age range, plus 91 places for Nursery children. The new school would be the same size as the combined existing schools. I consider this to be appropriate as the infant and junior schools are almost fully subscribed.

Equal opportunities, community cohesion, travel and accessibility

18. It is not anticipated that these proposals would have a direct impact on the community, but it is likely that families would benefit from the improved continuity of schooling and the need to develop a relationship with one school, rather than two, for their children aged four to eleven. For children with special educational needs (SEN), a straightforward transition from Key Stage 1 to Key Stage 2 should also be an advantage, with no requirement to review their placement as they transfer to a new school. I do not identify any issues related to the Public Sector Equality Duty and none has been drawn to my attention.

19. 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, as the primary school would operate from the same premises, there would be no impact on the length of journeys between home and school as a result of the implementation of these proposals.

Funding

20. It is intended that the proposals could be implemented without the need for substantial capital expenditure as the new primary school would use the same premises as those of the infant and junior schools. However, the governing body of the infant school identified a range of relatively small capital costs that would need to be met if the proposals were approved. The largest of these was an extension to the staffroom, estimated at £30,000. Other items included new signage and re-organisation of the office facilities. When the local authority's cabinet made the decision to issue statutory notices in connection with the proposals, it agreed that £52,000 should be allocated from its Performance Improvement Fund towards meeting these one-off costs. I consider this to be an appropriate figure.

21. In respect of revenue funding, the local authority's funding formula provides a lump sum, currently £110,000, to each school. If the proposals were to be implemented, the income of the primary school would, in time, contain only one lump sum. Although it was recognized that there were potential financial efficiencies to be made, concern was expressed during consultation meetings about the effect of this loss of revenue. It was explained by the local authority that the new primary school would continue to be funded at 100 per cent of the two lump sums for the remainder of the 2018/19

financial year, that is, from September 2018 to March 2019, and that financial regulations provide for two lump sums to continue to be allocated for the following financial year, at 85 per cent, which equates to £177,000 at current figures. For the second full financial year, that is, April 2020 to March 2021, the all-through primary school would be allocated just one lump sum. However, it is possible in circumstances such as these, under paragraph 34 of the schools funding operational guidance 2018/19, for a local authority to apply to the Education and Skills Funding Agency for permission to extend the funding of two lump sums into the second financial year, up to a maximum of 70 per cent. The governing body of the infant school, supported by their counterparts at the junior school, urged the local authority to seek such permission. When agreeing to issue statutory notices in respect of the proposals, the local authority's cabinet undertook to do so.

22. I recognise that the lump sum is a relatively significant amount and I have not been provided with figures that confirm that the financial efficiencies that are expected to be achieved by the all-through primary school would immediately compensate for its loss. Nonetheless, although the continued protection of a proportion of both schools' lump sums into the second full financial year of the proposed primary school cannot be guaranteed, the local authority has undertaken to do what is within its power to maximize the revenue that will be available. As the new primary school is likely to be fully subscribed, or nearly so, with three forms of entry, that is, with a roll of 630 pupils, I consider that the proposals are financially viable.

Views of interested parties

23. Following discussions with the schools' governing bodies, the local authority agreed to proceed to public consultation on these proposals. A consultation document was issued to all parents of children at the two schools and all members of staff. The consultation document included a section to be returned for written responses. In addition, the attention of appropriate stakeholders was drawn to the consultation documentation. These stakeholders included trade union representatives, diocesan authorities, local councillors and members of parliament. A series of meetings was held at both schools, for parents, members of staff and governors respectively. In addition to the points and questions raised at the meetings, which were thoroughly recorded, consultees were invited to make a written response.

24. Statutory guidance makes clear that the Secretary of State considers that pupils at schools that are proposed to be closed should be consulted, under section 176 of the Education Act 2002. A pupil's views should be taken into account, "*in the light of his age and understanding.*" During the period of consultation on these proposals, the local authority did not seek pupils' views directly, stating that its approach is,

"to gather any views of primary age children indirectly through communications with parents and staff at the meetings held and through consultation responses."

I consider that the local authority could have done more in this respect. With

careful explanation, children at the schools would have been able both to understand what was being proposed and to have expressed their views in school councils or other forms of focused discussion. However, I recognise that the impact of these proposals on the day-to-day experience of children would be minimal. They would continue to attend the same building with the same peers and, according to the local authority's consultation material, largely the same staff. In these circumstances, I accept that it was not inappropriate for the local authority to obtain the views of pupils in the way that it did.

25. A total of 18 individual written responses to the consultation were received. In 15 of these, the respondents indicated that they "*strongly agree*" or "*agree*" with the proposals. Many of the responses referred to the benefits of continuity of education. Amongst those opposed to the proposals, mention was made of the demands that would be made on the headteacher and administrative staff. Each governing body made a written response. In both cases it was stated that the proposals were not opposed. Governors of the infant school made extensive reference to their concerns about the financial implications of the proposals. Governors of the junior school said that their overriding concern was that the ethos of the school should be maintained. Notwithstanding these concerns, and as noted above, there were no objections made during the representation period.

26. A detailed report on the proposals and the consultation was made to the Cabinet of the London Borough of Hounslow on 19 September 2017. It was agreed to proceed with the proposals. The local authority published the statutory notices on 6 October 2017 in the "Chronicle and Informer" newspaper and on its website. All of the information required by The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 was included in the full proposals, copies of which were made available on request. The four-week period, during which representations can be made, ended on 3 November 2017. The local authority confirmed that no representations had been received.

27. In response to an invitation to comment that I made, the interim headteacher of the junior school queried why, when the benefits had been made clear by the local authority, it had been necessary for a headteacher vacancy to arise before these proposals had been made. She also reported that there was some anxiety amongst staff at the school, due to uncertainty about the future. I understand these concerns, but note that the local authority has acted in accordance with its stated policy, which is in the public domain.

28. I am satisfied that the local authority met the requirements relating to consultation and representation. Appropriate stakeholders had the opportunity to find out about the proposals and to express their views. The responses indicated some positive support for the proposals and no significant level of opposition.

Conclusion

29. These proposals are consistent with the policy of the local authority

that the replacement of separate infant and junior schools with all-through primary schools should be considered when certain “triggers” occur. A significant majority of those consulted expressed support for the proposals. There were no objections to the proposals during the representation period. Although I believe that the local authority could have done more to involve pupils directly in discussions, I am satisfied that the requirements relating to consultation and representation have been met.

30. I consider that the proposals have the potential to have a beneficial effect of standards of education and that the related financial implications have been addressed satisfactorily. There are no issues relating to travel, admissions or the demand for school places. I therefore approve the proposals.

Determination

31. Under the powers conferred on me in Schedule 2 to the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, I have considered the proposal to discontinue Southville Infant & Nursery School and Southville Junior School, two community schools in Hounslow, with effect from 31 August 2018, and to establish a new community primary school on the same site, on 1 September 2018. I hereby approve the proposal.

Dated: 11 December 2017

Signed:

Schools Adjudicator: Peter Goringe