



Office of
the Schools
Adjudicator

Determination

Case reference: STP653

Proposer: Hounslow London Borough Council

Referred by: Hounslow London Borough Council

Date of decision: 30 May 2023

Determination

Under the power conferred on me by Paragraph 17 of Schedule 2 to the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, I have considered the proposals (1) to discontinue (close) Hounslow Heath Infant & Nursery School Martindale Road, Hounslow TW4 7HE and to discontinue (close) Hounslow Heath Junior School, Selwyn Close, Cambridge Road, Hounslow TW4 7BD and (2) to establish a 5-form entry all-through primary school with the age range of 3-11 years located on the existing site of Hounslow Heath Infant & Nursery and Hounslow Heath Junior Schools. I hereby approve the proposals.

The proposal

1. On 8 February 2023 Hounslow London Borough Council (the Proposer) published a statutory notice (the Statutory Notice) in two parts to (1) to discontinue (close) Hounslow Heath Infant & Nursery School Martindale Road, Hounslow TW4 7HE (the Infant and Nursery School) and to discontinue (close) Hounslow Heath Junior School, Selwyn Close, Cambridge Road, Hounslow TW4 7BD (the Junior School) and (2) to establish a 5-form entry all-through primary school with the age range of 3-11 years located on the existing site of Hounslow Heath Infant & Nursery and Hounslow Heath Junior Schools (the Primary School).

Jurisdiction

2. Proposal (1) to close the Infant and Nursery School and to close the Junior School was published under section 15(1) of the Education and Inspections Act 2006 (the Act) and proposal (2) to establish the Primary School under section 11(A3) of the Act.
3. Proposal (1) was referred to the adjudicator by the Proposer under Schedule 2 paragraph 10 of the Act. Proposal (2) was referred to the adjudicator under Schedule 2 paragraph 15 of the Act as that proposal is related to Proposal (1).
4. I am satisfied that I have jurisdiction to determine this proposal.

Procedure

5. In considering this matter I have had regard to all relevant legislation and statutory guidance.
6. The documents I have considered in reaching my decision include all those provided with the referral by the Proposer, including:
 - a) the Statutory Notice;
 - b) Hounslow Council Schools Amalgamation Policy;
 - c) documents relating to the consultation carried out prior to publication of the statutory notice;
 - d) responses to the consultation;
 - e) the Cabinet report dated 17 January 2023 (the Cabinet Report);
 - f) the statutory notice and the full proposal; and
 - g) the Proposer's response to my queries.

Background

7. The Proposer is in the process of amalgamating remaining linked infant and junior schools within its area as it considers, for reasons detailed in the Amalgamation Policy, that the creation of all-through primary schools has organisational and educational benefits. There are a number of possible triggers set out in the policy for a process which tends to lead to amalgamation, including where a headteacher vacancy arises in either or both of the existing linked schools. The Infant and Nursery School and the Junior School are linked in this way. The process began following the resignation of the headteacher of the Infant and Nursery School. In accordance with the Amalgamation Policy this led to discussions between the Proposer and the governors and senior leaders at both schools, leading to a pre-publication consultation on the proposals.

8. All the pupils who would be attending Hounslow Heath Infant & Nursery School or Hounslow Heath Junior School at the time of amalgamation will automatically be admitted to the new school, including those pupils supported within the SEND Centres. After January 2024, pupils would not need to transfer between schools at age seven and would automatically move through the year groups until they transfer to secondary school at age 11.

9. The nursery provision at the Infant and Nursery School will continue in its present form at the Primary School.

The statutory process

Stage 1: consultation

10. In accordance with the relevant statutory provisions a consultation was carried out running for seven weeks from 28 September 2022 to 16 November 2022. The half-term break fell within this period. This is compliant with the statutory minimum period of 6 weeks and guidance that it should take place largely in term time. A consultation document was produced, and meetings were held with parents, staff and governors at the two schools.

11. The Cabinet report dated 17 January 2023 summarises the responses to the consultation as follows:

"4.2 In total **383** separate responses were received to the consultation (**247** paper response forms, **132** by online survey, **3** by email and **1** by post). These responses included **249** parent/carers' responses (**127** from the Infant School, **83** from the Junior School and **39** from parents with children at both schools). There were **120** responses from staff (**71** from Infant School, **47** from the Junior School and **2** working at both schools). **14** 'other' responses were received (7 of whom did not identify in what capacity they were responding). There were **6** responses from individual Governors (**2** from the Infant School and **4** from the Junior School).

4.3 Including **8** views represented in a letter, there are **391** views recorded below responding to the question 'What do you think about the proposal to create a new primary school by bringing together Hounslow Heath Infant and Nursery and Hounslow Heath Junior Schools?'

Summary of Views	Number	Agree/ Strongly Agree	Disagree/ Strongly Disagree	No View
Total views recorded NOT including pupils	391	49%	48%	3%
Parent views total	249	51%	47%	2%
Parent Infant	127	40%	60%	0%
Parent Junior	83	77%	17%	6%

Parent both schools	39	33%	67%	0%
Staff responses total	120	36%	58%	7%
Staff Infant	71	4%	86%	10%
Staff Junior *	47	81%	17%	2%
Staff both schools	2	100%	0%	0%
Governor responses total	6	67%	33%	0%
Governor Infant	2	0%	100%	0%
Governor Junior	4	100%	0%	0%
Other responses total	14	7%	93%	0%
Other Infant	6	0%	100%	0%
Other both schools	5	0%	100%	0%
Other neither school	3	33%	67%	0%

**Junior school staff response figure includes 8 views represented from a letter submitted by the SLT.*

4.4 **37** children took part in pupil consultation meetings with LA officers.

Of the **27 Junior School** pupil representatives responding to the question “Do you think that having one school instead of two is a good idea?” **26** children agreed; **1** child disagreed.

Of the **10 Infant School** pupil representatives asked the same question, **3** children agreed; **7** children disagreed.

The responses have been recorded and are attached in Appendix 5 but have not been included in the Summary of Views above.

4.5 The consultation meetings at Hounslow Heath Infant & Nursery and Hounslow Heath Junior Schools attracted **47** parents, **90** staff and **14** Governors (**151** attendees across six meetings). The minutes of these meetings are attached as Appendix 3.

4.6 Appendix 6 lists a summary of comments that were received during the consultation, together with responses from officers. All individual and collective responses are available for Members to inspect.”

12. I have not included the appendix referred to above in this determination. However, I have read the digest of all responses and considered the response forms included in the papers sent to me. Overall, as can be seen from the above table, the responses were divided almost equally between those who agreed or strongly agreed with the proposal and those who disagreed or strongly disagreed. In general those who disagreed were concerned that the amalgamation to form a much larger single school would disrupt the

functioning of two successful schools. Concern was expressed that this would have an adverse impact on educational standards and a loss of a valued caring and nurturing ethos. Concern was also expressed for staff jobs. The cabinet report addresses the issues raised in the terms set out in the following paragraphs.

13. The benefits of the amalgamation put forward by the Proposer during the consultation are summarised in the Cabinet Report as follows:

“Whole School Approach

Continuity of Education

School Improvement

School approach to planning and assessment

Parents only apply once to one school for admission to Reception to Year 6 (no reapplying for Year 3)

Transition of pupils between Years 2 and 3 is smoother and better for pupils and their families, with less chance of ‘lost learning’ at the beginning of Year 3

More stable transition for vulnerable pupils and children with SEN

A single primary school enables a consistent ethos and continuous approach to the curriculum, e.g. such as single policies for handwriting, reading, maths and behaviour

Consistency of policy and planning across key stages

Strengthened tracking of pupil learning and assessment

Staff development and recruitment opportunities

Consistent leadership and management across key stages – one School, one Headteacher and one Governing Board to provide clear accountability”.

14. The Cabinet Report continues:

“The consultation responses have been considered against the LA’s policy promoting the benefits of amalgamation, and our recommendation concludes:

Specialism knowledge and Curriculum of separate schools:

Amalgamation of the two schools, will bring together the undoubted expertise recognised within the Infant and Junior School and will strengthen the school for the children and families it serves. with the existing infant school staff continuing to provide a solid foundation by their delivery of an outstanding

education for its Foundation and Key Stage 1 children and the junior school staff continuing to provide outstanding education for Key Stage 2 children.

Generally, it is envisaged that most teachers would continue to teach the year groups as before and Infant and Junior pupils would each continue to be taught in the buildings built and adapted for them, and the playgrounds.

Job security and pressure on staff:

Amalgamation is likely to lead to a more effective policy of recruitment and retention of staff. Nationally, there are significantly more primary schools than infant and junior schools, and teaching staff and non-teaching staff find that posts in Primary Schools are more attractive than posts in infant and junior schools as they offer better career development opportunities.

A larger school, covering the full primary age range, offers improved opportunities to develop staff which in turn aids the retention of staff.

Expertise can be targeted across the primary age range enabling senior leaders to more effectively deploy staff.

A combined school would be able to manage and share its resources more effectively across all year groups.

Ofsted judgement and standards:

There is another 5FE Primary school in Hounslow funded via the same formula, that is rated Good by Ofsted.

It is possible to find statistical evidence to show either increased or decreased standards following any major change at schools. It is widely accepted that the key to success following any major organisational change, whether in schools or any other organisation, is how such a change is effectively managed and the quality and commitment of the staff.

Finance /Budget:

It is the Council's practice that when two schools amalgamate to form a new school, the new school inherits the school balances held by the predecessor schools.

Hounslow Heath Junior School's school balances at 31 March 2022 were £438,232. Hounslow Heath Infant and Nursery School had a deficit balance of £172,875 at 31 March 2022. Both schools will hold a different level of balances at the date of the amalgamation.

The actual balance that each school holds at the date of the amalgamation will depend on pupil numbers, the schools' financial outturn for 2022/23, the

funding made available by government through the National Funding Formula for schools for 2023/24 and the decisions made by the local governing bodies with regard to the management of the school's finances in 2022/23 and 2023/24.

Any deficit balance will need to be addressed in accordance with the relevant DfE/ESFA guidance that is in place at the date of the amalgamation. The current guidance indicates that any deficit balance on the closure of a school needs to be met from the Council's general fund.

Size of School:

There are many primary schools across the country that function in more than one building, and in Hounslow several Primary schools operate across split sites. These schools manage successfully to operate between sites. Therefore, this is no longer considered to be the barrier to amalgamation that was previously argued.

This proposal does not include notice of any intention to expand, rebuild or refurbish the school building.

In situations where pupil numbers are changing, an amalgamated school with capacity has potential to offer more flexibility and opportunity to improve the accommodation and site usage.

Loss of ethos and identity:

Whilst separate schools may have their own identity and ethos, amalgamation can provide an opportunity to create a whole new school ethos taking the best parts and practices from the separate schools

5.3 The Educational benefit to children remains a key factor in the LA's recommendation. The comments received opposing the proposal (Appendix 6) did not evidence grounds to undermine this position".

15. I am satisfied that the consultation was conducted appropriately, that the timescale complied with the statutory requirement and that stakeholders were made aware of the consultation and given sufficient opportunity to comment and to attend meetings and ask questions.

16. I am satisfied that the Proposer's Cabinet was given a detailed description of the proposed amalgamation and the responses to the consultation were properly addressed. I am satisfied that Cabinet had all information necessary to take decisions relating to the proposed amalgamation.

Stage 2: publication

17. At the Cabinet meeting on 17 January 2023 Cabinet resolved to publish statutory notices proposing:

The closure of Hounslow Heath Infant & Nursery School on 31 December 2023

The closure of Hounslow Heath Junior School on 31 December 2023

The establishment of a new primary school on 1 January 2024

18. The statutory notices were published on 8 February 2023 as a single document in the West London Gazette. The requirements for information to be included in a proposal to establish a new school are set out in Schedule 1 of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (the Regulations). I am satisfied that save for the point dealt with below all required information was included. Paragraph 11 of the Regulations deals with Early Years Provision. The details required by that paragraph are not fully addressed in the proposal. However, I queried the position with the proposer and am satisfied that in the proposed amalgamation the nursery provision will remain unchanged. That being so I accept that the lack of detail does not materially affect any aspect of the process and that no person would have lacked any relevant information in considering a response to the published proposals.

19. Consequently, I am satisfied that the required information was included in the statutory notices including information for anyone wishing to object or comment on the proposals. I am also satisfied that a copy of the proposals and that information was sent to the representatives of the Roman Catholic and Anglican Diocese and to the Secretary of State. Copies were also sent to a wide range of other stakeholders the Proposer considered appropriate.

Stage 3: representation

20. The statutory notices allowed the required four weeks for responses. No responses were received by the Proposer during this period.

Stage 4: decision

21. As set out above the decision has been referred to the schools adjudicator in accordance with the statutory provisions. I have considered each of the relevant factors set out in the Guidance in respect of each proposal, under the headings in the following paragraphs.

Factors to consider when determining proposals

Demand and need

22. This is relevant to the establishment of new provision. As this is an amalgamation the demand was already clear from the uptake of places at the Infant and Nursery School and the Junior School. As set out above the Proposer has considered demand and decided to reduce the PAN for Reception Year at the Primary School in line with demand.

23. The new primary school will admit up to 150 pupils a year and would have a nursery class. The proposed published admission number (PAN) of 150 represents a reduction from the current position. The Starting School in Hounslow September 2023 brochure shows the PAN as 180 for the Infant and Nursery School and 210 for the Junior School. In respect of the lower number the consultation document states:

“Why is the Local Authority (LA) proposing to reduce the number of places in the new Primary school?”

The schools were expanded to 7 forms of entry (FE) in 2015. The demand for pupil places in the area has been reducing over time following a dramatic decline in the birth rate from 2013 and other factors beyond the LA’s control. As a result, following discussions with the Infant and Junior schools, it was decided to make temporary changes by reducing the year group capacity. Over a 5-year period there has been a total of 7FE reduction to the number of pupil places across the infant and junior schools. As of Sept 2022 only two year groups across both schools are operating at the full 7FE (210 capacity).”

24. I am satisfied that there is both demand and need for the Primary School with a PAN of 150.

Suitability

25. The Primary School will essentially make the same provision as the Infant and Nursery School and the Junior School. The same buildings will be occupied by the same year groups of children and the educational facilities will remain virtually unchanged. The Primary School will be maintained by the Proposer as the Infant and Nursery School and Junior School are now. I am satisfied that the Primary School, as part of a broad and balanced curriculum, will promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society.

Proposed admission arrangements

26. The admission arrangements are to be “those published by the London Borough of Hounslow for Primary Community Schools 2023”. The same admission arrangements apply to Primary and Infant schools. Hence, there will be no change to the admission arrangements to the Primary School from those which applied to the Infant and Nursery School, and those arrangements will be in line with other maintained primary schools in the London Borough of Hounslow. I am satisfied that the admission arrangements are compliant with the School Admissions Code.

School size

27. The Primary School will reflect the size of the Infant and Nursery School and the Junior School combined, save that the proposal is to reduce the intake to five forms of entry as discussed above. All children currently on roll at the Infant and Nursery School and the Junior School will be guaranteed a place at the Primary School. No pupils will be displaced.

28. The amalgamation will create a larger school. However, in practice the operation of the Primary School will reflect the existing position, with pupils being educated in the same buildings, divided between what is currently the infant and nursery classes and the junior classes. I am satisfied that the Primary School will be of an appropriate size for the community it serves.

Equal opportunity issues

29. I am satisfied that there are no equal opportunities issues arising from these proposals.

Integration and community cohesion

30. The proposals in effect are replacing like with like. The only significant difference is that pupils will not have to apply for admission to the junior school level. I am satisfied that the proposals meet the community cohesion objectives.

Travel

31. The Primary School will be situated in a built up residential area in London. Again, the proposals in effect replace like with like. I am satisfied that there are no significant transport issues arising from these proposals.

Funding

32. The Primary School will occupy the same site as the Infant and Nursery School and the Junior School. There are no anticipated capital costs associated with these proposals.

33. The Cabinet Report sets out the funding issues as follows:

“As one of the schools had a deficit balance of £172,875 as at 31 March 2022 against a funding level of £3,617,002 for 2021/22 there is the potential for at least one of the schools to have a deficit balance at the date of the amalgamation. Any deficit balance will need to be addressed in accordance with the relevant DfE/ESFA guidance that is in place at the date of the amalgamation. The current guidance indicates that any deficit balance on the closure of a school needs to be met from the Council’s general fund. The cost to the Council’s general fund is uncertain. School budgets are delegated to local governing bodies who in turn delegate responsibilities to headteachers. The Council can only exercise influence on financial decision making at a school level via the Scheme for Financing Schools and Schools Financial Regulations (both last updated in January 2022) and engagement between Council officers and the Head Teacher. Cabinet should be mindful of the potential cost to the general fund should one or more of the schools close with a deficit balance when making their decision.

There are sufficient unearmarked S106 funds available from Scheme 501 to fund an allocation of £85,000 to the new Hounslow Heath Primary School to fund set up costs for the new school.”

34. I am satisfied that the necessary funding is in place for the implementation of these proposals.

Nursery schools and presumption against closure

35. These proposals include the closure of a school which includes early years provision. The Primary School will make the same provision for such children as is currently provided by the Infant and Nursery School. I am satisfied that there will in effect be continuity of the existing provision for children from age 3 years.

Community Services

36. Again, as the proposals in effect replace like with like I am satisfied that there will be no disruption to any extended services provided by the Infant and Nursery School and the Junior School when replaced by the Primary School.

Conclusion

37. These proposals amount to an amalgamation combining the existing provision in the Infant and Nursery School and the Junior School into an all-through Primary School. This will not have a significant adverse impact on the availability or quality of the education provided.

38. Having considered the factors above I approve these proposals without modification.

Determination

39. Under the power conferred on me by Paragraph 17 of Schedule 2 to the Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, I have considered the proposals (1) to discontinue (close) Hounslow Heath Infant & Nursery School Martindale Road, Hounslow TW4 7HE (the Infant and Nursery School) and to discontinue (close) Hounslow Heath Junior School, Selwyn Close, Cambridge Road, Hounslow TW4 7BD (the Junior School) and (2) to establish a 5-form entry all-through primary school with the age range of 3-11 years located on the

existing site of Hounslow Heath Infant & Nursery and Hounslow Heath Junior Schools (the Primary School). I hereby approve the proposals.

Dated: 30 May 2023

Signed:

Schools Adjudicator: Tom Brooke