



Office of
the Schools
Adjudicator

Determination

Case reference: STP654

Proposer: Liverpool City Council

Referred by: Liverpool City Council

Date of decision: 26 June 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:

- **to discontinue (close) Sudley Infant School, 63 Dundonald Road, Liverpool L17 0AE, and to discontinue (close) Sudley Junior School, Aigburth Road, Liverpool L17 6BH; and**
- **to establish Sudley Primary School, a community school providing places for 840 students aged 4 – 11 with an admission number on opening of 120, located on the existing sites of Sudley Infant School and Sudley Junior School.**

I hereby approve the proposals.

The proposals

1. On 28 April 2023 Liverpool City Council (the Proposer) published a statutory notice (the Statutory Notice) in two parts:
 - a. to discontinue (close) Sudley Infant School, 63 Dundonald Road, Liverpool L17 0AE (the Infant School), and to discontinue (close) Sudley Junior School, Aigburth Road, Liverpool L17 6BH (the Junior School); and
 - b. to establish Sudley Primary School (the Primary School), a community school providing places for 840 students aged 4-11 with an admission number on

opening of 120, located on the existing sites of the Infant School and the Junior School.

Jurisdiction

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

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:
 - a. the complete proposals;
 - b. Liverpool City Council's Principles for School Organisation;
 - 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 21 April 2023 (the Cabinet Report);
 - f. the Statutory Notice and responses to it; and
 - g. the Proposer's response to my queries.

Background

7. Liverpool City Council has set out 15 "Operating Principles for School Organisation" which outline how it will work with schools to manage changing demand and provision. One of those principles states "We will continue to consider the amalgamation of separate infant and junior schools where and when appropriate" and another states "We will continue to consider the amalgamation of infant and junior schools when the occasion arises". In this case, the trigger for the proposals is the opportunity provided by the departure of the headteacher of the Infant School, who retired on 31 December 2022.

8. The proposals cite the relevant operating principle and state that their aim is to amalgamate the Infant School and Junior School to create a single all-through primary school with a consistent vision and ethos.

9. Should the proposals be approved, then upon closure of the Infant and Junior Schools, all pupils would be admitted to the new Primary School. They would automatically move through the year groups until they transfer to secondary school without the need to transfer between schools at age seven.

Consideration of factors

The statutory process

Stage one: consultation

10. A consultation was carried out from 9 January 2023 to 25 February 2023. A consultation leaflet was circulated to all staff, parents/carers and governors of the schools, with details of how to respond. Local Councillors, MPs, Trade Unions and local primary schools were also contacted, and details of the consultation were posted on the websites of both schools and of Liverpool City Council. Meetings were held at the schools for parents, staff and governors.

11. The benefits of the proposals put forward by the Proposer during the consultation are summarised in the Cabinet Report dated 21 April 2023:

“There is a strong educational rationale for amalgamating separate infant and junior schools and many such separate schools have now amalgamated successfully. The following have been identified as some of the benefits of amalgamation.

4.1 Benefits for the children

There would be continuity of education through the creation of one school from 4+ to 11 years of age and benefit the children in the following ways:

- consistency in leadership and management across the phases, meaning the same routines, policies and practices

- a reduction in the difference between phases creating the environment to support better planning across the whole age range with additional benefits, for example, of enhanced continuity of curriculum methodology and policies

- strengthened tracking of pupil learning and achievement

- ensure there is a reduction in the potential for disruption as children transfer from one school to another at the end of Year 2; parents only need to apply for a place before reception and do not need to apply again

- align school term and holiday dates
- create the climate for a sense of 'togetherness' throughout the school community and allow the children to be together, whenever possible, for shared celebrations and services
- give greater opportunities for the academic, social and moral development of older pupils using cross school projects, for example, working with and for younger children and buddy systems;
- enable continuity of education through the creation of one school, from 4 to 11 years with staff being able to know the children in the school for a longer period of time, thus developing deeper knowledge of them - this would in turn, support seamless safeguarding, more informed assessment leading to better progression, better setting of individual targets and better tracking of individual pupils.

4.2 Benefits for staff

The larger "pool" of staff should mean:

- cross-phase opportunities for staff, such as shadowing colleagues in other phase, joint planning sessions
- that individual teachers have fewer areas of responsibility, albeit across a wider age range
- enhanced career opportunities for classroom teachers and learning support assistants as there is the possibility of teaching and supporting learning across a wider age range
- enhanced career prospects for senior staff from being a member of the leadership team or headteacher, deputy or assistant headteacher of a primary school
- greater professional interaction as discussions and decisions are informed by inputs from a wider group.

4.3 Benefits for parents/carers

- Continuity of education should ensure that parents do not, in most circumstances, have to re-assess their choice of school or get to know another school, its staff and policies only three or four years after their child has started school.
- The relationship between pupils, parents and the school can be built up over a longer period of time; better understanding of the needs of each child.
- Delivering a seamless and supportive transition from infant to junior school for children and their families.

- Both schools would have the same term and holiday dates.”

12. The Cabinet Report summarises the responses to the consultation as follows;

“6.2 In attendance at the meeting were;

- Infant School – 48 parents, 39 staff and three union representatives, six governors
- Junior School – 25 parents, 24 staff plus four union representatives, six governors

6.3 Eleven written responses were received of which 3 supported the proposal, 2 neutral with questions and concerns and 5 objected to the proposal. The following is a breakdown of responses;

Seven parents – this represents 0.9% of parents/carers

- Three junior school parents were in support of the proposal
- One infant school parent objected to the proposal
- Three infant school parents submitted questions

One infant school parent/governor objected to the proposal

Two infant school governors objected to the proposal

One Special School Head Teacher supported the proposal”

13. The Cabinet Report contains a detailed summary of the main concerns raised by parents, staff and governors during the consultation meetings and in the consultation responses. Amongst these concerns were:

- a. the extent of the educational impact and benefits that were stated in the proposal for schools that had amalgamated;
- b. the impact of the amalgamation in creating a larger school that would dilute the strengths and compromise the ethos of both existing schools;
- c. whether the proposal was designed to save money;
- d. the potential effect on jobs at the two schools and the disruption and stress for staff facing the prospect of teaching across different key stages;
- e. whether change was needed and what would happen if the schools stayed as they are; and
- f. concerns that the school would be on a split site.

The Cabinet Report contains extensive details of the responses given to these concerns during the meetings as well as an annex that contains transcripts of the meetings.

14. The Cabinet Report contains the following view of alternative options considered:

“7.1 To retain the status quo would not be in accordance with the Council’s School Organisation Principles.

7.2 The proposal could be achieved in other ways (for example by closing one school and expanding the age range of the other) but the Director’s preferred option is to close both and open a new primary school, drawing on the staff and resources of the two former schools. This will afford equal treatment to all, rather than a perceived “take-over” by one of the schools.”

15. The Cabinet Report contains a summary of the financial implications and risk of the proposals:

“8.1 If the proposals are agreed, and the schools amalgamate from September 2023, the school budget share, as determined by the Scheme for Financing Liverpool School and agreed by School Forum, for both the Infant and Junior schools would be calculated separately for the whole year and apportioned on the basis of 5/12 to be allocated to the existing infant and junior schools. The remaining 7/12 of each school’s budget allocation would then be allocated to the new school created from the amalgamation.

8.2 For the Local Authority there would be no saving on the budgets allocated as the whole of the infant and junior budgets calculated for September 2023 to March 2024 would be allocated to the amalgamated school and is fully funded from the Dedicated Schools Grant (DSG) not Council general funds.

8.3 The school would be eligible for split site funding as per the scheme for financing schools.”

16. I am satisfied that the consultation was conducted appropriately, and in line with statutory requirements, and that stakeholders were made aware of the consultation and given sufficient opportunity to comment and to attend meetings and ask questions.

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

Stage two: publication

18. At the Cabinet meeting on 21 April 2023 Cabinet approved the recommendations to publish statutory notices proposing:

a. to discontinue Sudley Infant School and Sudley Junior School with effect from 31 August 2023; and

- b. to establish a new all-through primary school with effect from 1 September 2023 providing places for 840 students aged 4-11 with an admission number on opening of 120, located on the existing sites of the Infant School and the Junior School.

19. The statutory notices were published on 28 April 2023 as a single document in the Liverpool Echo.

20. 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 all the required information, save for one point dealt with below, was included in the statutory notices including information for anyone wishing to object or comment on the proposals.

21. It is a statutory requirement that the notification of proposals includes the address of the website where the proposals are published, but in this case there was no website address included in the statutory notice. However, the statutory notice did include other avenues by which an interested party could obtain a copy of the full proposals: an email address, a postal address or directly from either of the two schools. On balance I accept that the lack of the website address does not materially affect any aspect of the process and that no person who wanted to access any relevant information would have been unable to do so.

22. I am also satisfied that a copy of the proposals and the required information was sent to the representatives of the Roman Catholic and Anglican Dioceses and to the Secretary of State. Copies were also sent to other stakeholders the Proposer considered appropriate.

Stage three: representation

23. The statutory notices allowed the required four weeks for responses. One response (“the response”) was received by the Proposer during this period.

24. The response was from a governor at the Infant School (“the responder”) who states that the proposals should not be allowed to go ahead on the basis that:

“1 There is no benefit educationally. It is simply an administrative convenience for the LA.

2 The points I raised in the form of questions and observations have not been answered by the LA.

3 Furthermore, these were not presented in the paperwork to the Cabinet for its meeting on 21 April and therefore could not be seen and considered by the Cabinet. Is it therefore in order for the Cabinet to have approved a scheme without being able to consider all the evidence?”

25. The responder goes on to provide a long list of questions and observations about the proposals and states that “my concern is that the matters I raised were not addressed”. They also raise concerns about the timescale of the proposals.

26. I have compared the questions and observations in the response to the contents of Annex B of the Cabinet Report, and I am satisfied that all those questions and observations were included in the paperwork presented to Cabinet.

27. Annex B of the Cabinet Report contains the following sentence in relation to the questions and observations from the responder: “Awaiting officer response - input required from School Improvement or senior officer.” I therefore conclude that whilst the questions and observations were included in the Cabinet Report, a specific point-by-point response was not.

28. However, when I asked the Proposer for specific comments on the response to the statutory notice, I was provided with detailed answers. I have compared these answers to the material in the Cabinet Report, including written responses to other consultees and verbal answers supplied at the meetings. I am satisfied that this other material broadly covers the substantive issues raised by the responder, albeit not always directly.

29. I have therefore concluded that prior to approving the statutory notice the Council was fully aware of the points subsequently raised by the responder and was aware of all relevant issues.

30. I have also concluded that the Council has taken the necessary steps to mitigate risk arising from the timescale for implementing the proposals by establishing a “Change Management Group” and a shadow governing body.

Stage 4: decision

31. 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

32. The Cabinet Report shows the total number of pupils attending the Infant and Junior Schools has been rising in recent years:

Pupils attending in January	2020	2021	2022
Sudley Junior School	255	386	416
Sudley Infant School	360	349	357
Combined	715	735	773

33. The Council's website shows that the Infant School has a PAN of 120 and the Junior School has a PAN of 120. The new Primary School will have a PAN of 120 pupils and there will be places for 840 pupils overall.

34. I am therefore satisfied that there is both demand and need for the Primary School with a PAN of 120.

Suitability

35. The Primary School will essentially make the same provision as the Infant 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 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

36. The admission arrangements are to be "those adopted by the City Council for community primary schools". 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 School, and those arrangements will be in line with other maintained primary schools in Liverpool. I am satisfied that the admission arrangements are compliant with the School Admissions Code, save for one point. It was not clear to me which point at the new school would be used for measuring the distance from home to school. The Proposer has confirmed that the arrangements will specify the Infant School site (Dundonald Road) for any admissions to YR, Y1 and Y2 and the Junior School site (Aigburth Road) for any admissions to Y3, Y4, Y5 and Y6.

School size

37. The Primary School will reflect the size of the Infant School and the Junior School combined. All children currently on roll at the Infant School and the Junior School will be guaranteed a place at the Primary School. No pupils will be displaced.

38. The proposals will create a larger school to replace two smaller schools. 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 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

39. The Cabinet Report contains an Equality Impact Assessment which considers the impact of the proposals for each of the nine protected characteristics and for socio-

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

Integration and community cohesion

40. 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

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

Funding

42. The Primary School will occupy the same sites as the Infant School and the Junior School. There are no anticipated capital costs associated with the proposals.

43. Paragraph 15 above summarises the funding issues as set out in the Cabinet Report.

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

Nursery schools and presumption against closure

45. As there is no nursery provision at the Infant School, this factor is not relevant to my decision.

Community Services

46. 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 School and the Junior School when replaced by the Primary School.

Conclusion

47. These proposals amount to an amalgamation combining the existing provision in the Infant 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.

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

Determination

49. 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:

- to discontinue (close) Sudley Infant School, 63 Dundonald Road, Liverpool L17 0AE, and to discontinue (close) Sudley Junior School, Aigburth Road, Liverpool L17 6BH; and
- to establish Sudley Primary School, a community school providing places for 840 students aged 4 – 11 with an admission number on opening of 120, located on the existing sites of Sudley Infant School and Sudley Junior School.

I hereby approve the proposals.

Dated: 26 June 2023

Signed:

Schools Adjudicator: Clive Sentance