



Office of
the Schools
Adjudicator

Determination

Case reference: STP655

Proposer: Liverpool City Council

Referred by: Liverpool City Council

Date of decision: 30 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 (1) to discontinue (close) Gilmour Infant School, Southbank Road, Liverpool L19 9AR and to discontinue (close) Gilmour Junior School, Whitehedge Road, Liverpool L19 1RD and (2) to establish a 3-form entry all-through primary school with the age range of 3-11 years located on the existing sites of Gilmour Infant and Gilmour Junior Schools. I hereby approve the proposals.

The proposal

1. On 28 April 2023 Liverpool City Council (the Proposer) published a statutory notice (the Statutory Notice) in two parts to (1) to discontinue (close) Gilmour Infant School, Southbank Road, Liverpool L19 9AR (the Infant School) and to discontinue (close) Gilmour Junior School, Whitehedge Road, Liverpool L19 1RD (the Junior School) and (2) to establish a 3-form entry all-through primary school with the age range of 4-11 years, plus a 26-place nursery, located on the existing sites of Gilmour Infant and Gilmour Junior Schools (the Primary School).

Jurisdiction

2. Proposal (1) 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 (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 and the full proposals;
- b) documents relating to the consultation carried out prior to publication of the statutory notice;
- c) responses to the consultation;
- d) the Cabinet report dated 21 April 2023 (the Cabinet Report);
- e) the Proposer's response to my queries; and
- f) the Liverpool City Council document "Operating Principles for School Organisation" (the Operating Principles), provided by the Proposer at my request.

Background

7. The Proposer is committed to the amalgamation of remaining linked infant and junior schools within its area, and the Operating Principles state: "We will continue to consider the amalgamation of separate infant and junior schools where and when appropriate." The Proposer considers, for reasons detailed in the proposals, that the creation of all-through primary schools has organisational and educational benefits. This is summed up in the Cabinet Report as, "The principle behind this approach is to provide a continuous primary education across the key stages and provide a unified management structure within a single school ethos, making more effective and efficient use of resources". The Operating Principles do not set out specific triggers that may lead to amalgamation, but it is clear from the Cabinet Report that it was the resignation of the headteacher of the Infant School that prompted the decision to consider amalgamation in this case. This led to discussions between the Proposer and the governors and senior leaders at both schools, and subsequently to a pre-publication consultation on the proposals.

8. All the pupils who would be attending Gilmour Infant School or Gilmour Junior School at the time of amalgamation would automatically be admitted to the new school. 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 Infant School has determined that it will change its nursery provision, from part-time to full-time places, with effect from September 2023. This change will take place regardless of whether the proposals are agreed. That is, the nursery provision at the Primary School would be identical to that which would be at the Infant School if the proposals were not agreed.

The statutory process

Stage 1: consultation

10. In accordance with the relevant statutory provisions a consultation was carried out. This ran for over six weeks from 9th January 2023 to 25th February 2023; the half-term break fell within this period. This is compliant with guidance that consultation should take place largely in term time. A consultation leaflet was circulated to staff, parents and governors of the schools. Local Councillors, MPs, Trade Unions and local primary schools were also contacted, and details of the consultation was posted on the websites of both of the schools and of Liverpool City Council.

11. Meetings were held at the schools for parents, staff and governors. The attendance at the infant school meetings comprised 24 parents, 26 members of staff, 5 union representatives and 6 members of the governing board. The meetings at the junior school were attended by 12 parents, 25 staff, 5 union representatives and four governors.

12. The consultation gathered both written responses and the views expressed in the consultation meetings. The Cabinet Report includes the individual written responses and the replies that were provided to these, plus transcripts of the consultation meetings. The meeting transcripts record all the questions asked by consultees and the responses given by the Proposer to those questions. I have read all of this material in its entirety.

13. The written responses were summarised in the Cabinet Report as follows:

“6.3 15 written responses were received of which most respondents were in support of the proposal in principal [sic] but expressed some concerns. The following is a breakdown of responses:

12 Parents – this represents 1.8% of parents/carers.

Eight infant school parents whilst broadly in support raised concerns.

Two parents with children in both schools were supportive in principal [sic] but raised concerns.

One parent with children in both schools supported the proposal.

One resident questioned where the site of the new school would be.

One special school head teacher supported the proposal.

One parent/city councillor questioned the legality of ringfencing the head teacher post.”

14. The concerns and queries raised in the consultation meetings are summarised in the Cabinet Report as:

“1.2 One of the key concerns raised by all respondents and at the meetings was the timescale for decision making.

1.3 Some respondents and participants at the meeting questioned the ringfencing of the head teacher role and the incumbent junior head teacher becoming the head of the new school.

1.4 Parents and governors requested information about the educational impact and benefits that were stated in the proposal in schools that had amalgamated.

1.5 Some respondents raised concerns about losing the good aspects and ethos of the infant school.

1.6 Some respondents said that they felt the proposal was designed to save money and questioned where the money would go.

1.7 A union representative asked [whether] there are any plans to restructure and move staff across sites after the new school opens.

1.8 Some staff expressed understandable concern about 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.

1.9 Some respondents said they thought this was a done deal and not a true consultation, past experience show that once proposed nothing stops it.

1.10 Some respondents criticised the consultation leaflet and presentation for only setting out the benefits of amalgamation.

1.11 Some respondents said they thought this was a done deal and not a true consultation.

1.12 Some respondents expressed concerns that the school would be on a split site and couldn't see how the school could be joined up.

1.13 Some respondents raised comments in the parents' infant meeting and submitted written responses in regard to wider concerns they had.

1.14 Some respondents questioned why change it if it is working well and what would happen if the schools stayed as they are.”

15. Many of those who disagreed with the proposals were concerned that the amalgamation to form a larger single school would disrupt the functioning of the existing schools, plus there was some misunderstanding of what amalgamation would entail. Concern was also expressed that amalgamation may result in a loss of an existing positive ethos, and that there would be a negative impact on staff jobs or workload.

16. Some consultees were concerned that the Primary School would be on a split site and that the new school would not be “joined up”, which I take to mean that the school would not have consistency of approaches and a common ethos and may not in practice operate as a single school. This is addressed in the Cabinet Report as follows:

“•The Director explained that whilst there have been no split site primary schools in Liverpool for a while there are examples of successful amalgamations on split sites across the country.

- There would need to be leadership present on each site overseen by the head teacher, the shadow governing body would determine how this would work.
- Evidence shows that there are many split site schools, some as large as the proposed new school, that are managed well and have good educational outcomes for the pupils.
- The Department for Education data shows that there are currently over 450 split site schools in the England, although this is not broken down by phase.”

17. The replies to written consultation responses, and those provided to the concerns raised in the consultation meetings, addressed all the issues in detail and were included in the Cabinet Report. The measures that are planned to facilitate a successful amalgamation include:

- A shadow governing board, with equal representation from the existing governing boards of the infant and junior schools, to oversee the new primary school;
- The establishment of a Change Management Group; and
- Support for the headteacher of the primary school (currently the headteacher of the junior school) from a school improvement partner.

The Cabinet Report states that the objectives of the change management group are to:

- “• ensure pupils are safeguarded and educated to the high standards expected in both schools and the needs of all learners are supported and met;
- ensure smooth transition towards the opening a new school;
- ensure all staff members are made aware of the options available;
- monitor the schools’ financial status;
- co-ordinate the support provided to the schools to manage the transition; and
- ensure that there is effective communication with staff, governors, parents/carers and pupils.”

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

“3.7 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.

3.8 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.

3.9 Benefits for staff

3.10 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.

3.11 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.”

19. I am satisfied that the consultation was conducted appropriately and that stakeholders were made aware of the consultation and given sufficient opportunity to comment, to attend meetings and ask questions.

20. 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 were able to consider the views expressed during the consultation and had all information necessary to take decisions relating to the proposed amalgamation.

Stage 2: publication

21. At the Cabinet meeting on 21 April 2023 Cabinet resolved to publish statutory notices proposing:

The closure of Gilmour Infant School on 31 August 2023

The closure of Gilmour Junior School on 31 August 2023

The establishment of a new primary school on 1 September 2023

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

23. The School Organisation (Establishment And Discontinuance Of Schools) Regulations 2013 Paragraph 10 states: “In respect of their own proposals under sections 10(1), 11(A2), (A3) or (1), the local authority must publish-

(a) the proposals on their website; and

(b) a notification of the proposals (including the address of the website where the proposals are published) in a local newspaper.”

The proposals submitted fall under section 11(A3) and therefore it is a statutory requirement that the notification of proposals include the address of the website where the proposals

were published. There was no website address included in the statutory notice, and the Proposer accepts that this was an oversight. However, the statutory notice did include other avenues by which an interested party may obtain a copy of the full proposals: an email address, a postal address or directly from one of the two schools. I have seen evidence that the email address was used by a member of the public to request the proposals, and that this request was dealt with within a reasonable timescale. On balance I accept that the lack of the website address does not materially affect any aspect of the process and that no person would have lacked access to any relevant information in considering a response to the published proposals.

24. 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 the required 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 range of other stakeholders the Proposer considered appropriate.

Stage 3: representation

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

Stage 4: decision

26. 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

27. I note that at the time that the proposals were submitted for my consideration the Liverpool city council website listed the published admission number (PAN) of Gilmour Infant School as 90, and that of Gilmour Junior School as 60, whilst the proposal to establish Gilmour Primary School states a PAN of 90. However, in response to my queries the Proposer clarified that the PAN listed online for the Junior School was out-of-date and the correct figure is 90. This follows expansion of the Junior School in 2018. It is therefore the case that the PAN of 90 at the Primary School will replicate the PANs in place at the existing Infant and Junior Schools.

28. I am satisfied that there is both demand and need for the Primary School with a PAN of 90.

Suitability

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

Proposed admission arrangements

30. The Proposer states that the admission arrangements are to follow “the Liverpool City Council Admissions Policy and Procedures”. I have been assured by the Proposer that as the oversubscription criteria include priority by distance, whilst admissions at the normal point of entry will use the Infant School site for distance calculations, in-year admissions to the junior years will use the Junior School site. Hence, there will be no change to the admission arrangements for the Primary School from those which currently apply to the Infant and Junior Schools, and those arrangements will be in line with other maintained primary schools in the local authority. I am satisfied that the admission arrangements are compliant with the School Admissions Code.

School size

31. 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.

32. 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

33. 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

34. 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

35. The Primary School will be situated on the existing sites of the infant and junior schools, with the existing published admission number. The proposals in effect replace like with like. I am satisfied that there are no significant transport issues arising from these proposals.

Funding

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

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

“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.”

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

Nursery schools and presumption against closure

39. 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 would be provided by the Infant School. I am satisfied that there will in effect be continuity of the existing provision for children from age 3 years.

Community Services

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

Conclusion

41. 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.

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

Determination

43. 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) Gilmour Infant School, Southbank Road, Liverpool L19 9AR and to discontinue (close) Gilmour Junior School, Whitehedge Road, Liverpool L19 1RD and (2) to establish a 3-form entry all-through primary school with the age range of 3-11 years located on the existing site of Gilmour Infant and Gilmour Junior Schools. I hereby approve the proposals.

Dated: 30 June 2023

Signed:

Schools Adjudicator: Jennifer Gamble