

## **DETERMINATION**

**Case reference:** STP000581

**Proposal:** **To discontinue Charles Dickens Infant and Charles Dickens Junior Schools and establish a new community primary school**

**Proposer:** **Portsmouth City Council**

**Date of Decision:** **9 October 2012**

### **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 Charles Dickens Infant School and Charles Dickens Junior School with effect from 14 April 2013 and establish a new community primary school with effect from 15 April 2013.**

### **The referral**

1. On 30 August 2012, the pupil place planning and capital strategy manager wrote to the Office of the Schools Adjudicator (OSA) on behalf of Portsmouth City Council, the local authority, (the LA) applying for a decision on its proposal to close Charles Dickens Infant (the Infant School) and Charles Dickens Junior (the Junior School) Schools (the Schools) and establish a new community primary school.

### **Jurisdiction**

2. On 14 June 2012, the LA Cabinet Member for Children and Education approved the publication of statutory notices to close the Infant School and the Junior School on 14 April 2013, and to open a new community primary school on 15 April 2013. On 14 July 2012, having carried out the appropriate consultation, the proposer formally published the proposal. The notice was in the form required by the Education and Inspections Act 2006 (the Act). I am satisfied that this proposal has been properly referred to me in accordance with Schedule 2 of the Act and that, therefore, I have jurisdiction to determine this matter.

### **Procedures**

3. In considering this matter I have had regard to all relevant legislation and guidance.

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

- the record of decisions and supporting documents taken by the Cabinet Member for Children and Education of the LA at the meeting held on 14 June 2012;
- prescribed information from the proposer as set out in the relevant School Organisation Regulations;
- Ofsted reports of the Infant and the Junior Schools
- maps of the area; and
- information about standards at the Schools.

### **The Proposal**

4. The proposal is to discontinue the Infant School and the Junior School and establish a new community primary school.

5. The proposer contends that the potential benefits of this proposal are:

- to improve continuity of learning;
- to make the admissions process easier for parents and carers through a single application;
- there is an increased opportunity to share resources and expertise across Key Stage 1 (Infant) and Key Stage 2 (Junior);
- the development of a primary school will assist with the recruitment and retention of staff;
- to give pupils and their families better access to extended services and facilities;
- to enable the School Governing Body to make efficiencies in the running of the amalgamated school, releasing more resources for teaching.

### **Objections**

6. No objections or comments were received in response to the statutory notice.

### **Background to the Proposal**

7. The LA has a policy of considering closing infant and junior schools and establishing all through primary schools (often called amalgamation) when two or more of the following conditions are in place:

- The standards of pupils' achievement and/or welfare of pupils overall would be improved by the proposal.
- The schools are on the same site or in close proximity to each other.
- One or both of the schools currently has surplus capacity in the region of 25% or more, or is projected to reach that point in the foreseeable future.
- One or both of the head teacher posts at the schools has become, or will shortly become vacant.

8. In relation to these criteria, the Infant School and the Junior School are based in separate buildings on the same site. Neither school has a substantive head teacher. At the last Ofsted Inspection in July 2011 the Infant School was judged satisfactory. The Junior School had a monitoring visit in March 2011. (A monitoring visit is made to schools considered satisfactory). At the visit, Ofsted found the School had made inadequate progress in making improvements and inadequate progress in demonstrating a better capacity for sustained improvement.

### **Consideration of Factors**

9. I have considered the proposal afresh taking into account the arguments put to me by the proposer and the relevant statutory guidance.

#### **Standards**

10. In July 2011 Ofsted inspected the Infant School and found pupils' progress to be satisfactory. Attainment had improved from below average to average in reading and mathematics, though writing was still below average. Teaching had improved and was satisfactory overall. The Ofsted visit to the Junior School in March 2011 found that levels of attainment and outcomes for pupils had deteriorated since the School was last inspected.

11. The LA reports that, when considering the results of pupils' National Curriculum test scores (the tests taken by pupils at the end of Key Stage 1 and Key Stage 2) since 2010 the Infant School has an upward trend in achievement and significantly in reading at Level 2+ and 2b+, where the gap between school outcomes and the national average was at its widest. Sixty three per cent of pupils achieved the benchmark of the 2012 phonics test, which is above the national average. It reports also that in summer 2009 the Junior School's Level 4 achievement in English and mathematics combined was 74 per cent, which resulted from work undertaken over an extended period of time within the Local Authority's Intensifying Support Programme. However, the school was unable to sustain the strategies that had been put into place and in 2010, outcomes declined, initially due to inadequate teaching in mathematics and in 2011 the school's outcomes declined sharply in English. In 2012 there is notable improvement in the proportion of pupils making two levels of progress. However it notes also that given changes of leadership and a high number of temporary teachers during the past year, and ongoing for the time being, estimates for 2013 are difficult to predict.

12. The LA suggests that improvement in standards will follow from the amalgamation as:

- There will be improved continuity of learning and development aided by pupils not having to change school at the end of Year 2. A single teaching and learning policy supported by a common approach to assessment and the tracking of pupil progress will result in more consistent expectations.
- The dip in progress, often evident between the end of Year 2 and the end of Year 3, is less pronounced in primary schools than in separate infant and junior Schools.

13. I am satisfied that these two factors added to the value of a planned curriculum across the age range and the employment and deployment of experienced, permanent staff across the school should lead to improvement in standards.

#### Need for places

14. The Infant School has 180 places and the Junior School has 240 places. The new school would provide 420 places for children aged 5 to 11 years. Children currently attending the schools will transfer to the new school. Parents will no longer have to apply for a place to transfer from Key Stage 1 to Key Stage 2. The admission arrangements will continue to be those for community primary schools in the LA. I am satisfied that the places are needed and that the children currently attending the two schools will have a place in the new school.

#### Finance

15. There is no capital cost involved with the proposal.

#### Travel

16. The travel arrangements for pupils attending the new school will be the same as those currently in place for the separate schools. There are no reported issues concerning travel to the new school.

#### Views of Interested Parties

17. The relevant bodies of both Schools are in favour of the proposals. The Interim Executive Board (IEB) at the Junior School had discussed school re-organisation since the IEB came into force in November 2011 and formally ratified their intention to amalgamate with the Infant School at their IEB meeting on 9 February 2012. The Governors at the Infant School agreed to contact the IEB to proceed with proposed amalgamation at their meeting on 7 December 2011 as they knew at that point that the Infant head teacher has been successful in securing a post in another authority. This was formally ratified at the governing body meeting on 7 February 2012.

18. Consultation took place between 9 March 2012 and 4 May 2012. A consultation document inviting views was distributed to all parents, staff, governors and other interested groups. Public 'drop in' meetings were held on 15 and 16 March; in addition L A officers were available to discuss the proposals at both Infant and Junior School parents evenings on 14, 15 and 22 March.

19. The consultation was with all relevant stakeholders and in my view appropriate. The views of all those directly involved with the schools and the wider community were invited and could be made in different ways. The leaflet provides factual information about the processes being followed, explained the purpose of the proposals and included a helpful list of frequently asked questions.

20. There were 70 responses to the consultation; of those who responded, 31 were in favour and 37 against, two stated no preference. Of those who responded in

favour 31 were parents; of 37 who responded against, fewer than 15 were parents, all others, bar one, were staff. In addition to the responses to the consultation, a petition was received containing 69 names the petition stated the following “No to rushed amalgamation, Yes to gradual federation”

21. The summary of the consultation concerns was expressed as follows: “Not much change and the children seem to be gaining; fail to see how the amalgamation will benefit our children’ many of whom have varying emotional needs; feels the consultation document is biased as does not cover negatives; both schools feel like one happy school already; the school could become large and impersonal; transition is difficult and takes up staff time and energy and can cause high levels of anxiety; feels the IEB have undermined the process; Infant school is good, Juniors is not. Putting them together will only be detrimental to the Infant School; should be done at the end of the school year, rushing this through to meet an end of tax year deadline is not in the best interests of anyone concerned; concerned at bullying if all children are together; concern that jobs may be at risk through this amalgamation process; would pupil tracking and progress be monitored closely enough; feels the consultation has been rushed and should federate first (this same comment was made on many of the ‘No’ returns submitted).”

22. Objections during the consultation phase came in largely from staff. The Chair of Governors for both schools received a letter from Unison lodging a formal grievance against the governing bodies of the Schools on the grounds that the Schools have not followed recognised policies and procedures for the amalgamation. Whilst they recognised the benefits of a primary school, they felt the process was not correctly followed and that the Unions should have been consulted at the proposal stage. This grievance was not accepted as it was felt that there were no grounds for a grievance during the consultation stage.

23. At the LA’s decision making meeting on 14 June 2012, two deputations were made; one by two parents who were also employed at the Schools as midday staff and one from the Unison. The concerns raised were, in the main, similar to those raised during the consultation and particularly that the process was rushed and not properly undertaken; that the Junior School should be improved before amalgamation and that staff in both Schools were demoralised and feared redundancies.

24. The response of the LA was that:

- an amalgamation provides an opportunity to recruit a high quality head teacher to drive forward an improvement in standards;
- the process had not been rushed and had been carried out according to due process;
- the proposed amalgamation was supported by both the IEB of the Junior School and the Governing Body of the Infant School;
- there was also significant support from a number of parents;
- that although the pre-statutory consultation process had been completed there would be further opportunities for stakeholders to have their views heard during the representation period;
- no child at either school would be disadvantaged by the amalgamation

and support arrangements were in place for the deputy head of the infant school to act up and an interim executive head had been appointed for the junior school.

25. The meeting was further informed that the Department for Education (DfE) was very concerned about the standards and had stated that if they did not improve they would recommend that the school becomes an academy. Therefore, the DfE was very supportive of the plans to amalgamate the two schools. There were no other options that would satisfy the DfE. Federation was not an option as there was no substantive head teacher in place.

26. Cleary this is an anxious time for parents and staff at the Schools, particularly when the future is uncertain which is compounded by the lack of a substantive head teacher in either school. My view is that these concerns, while real are not a reason not to proceed. Indeed, experience in other LAs indicates that there is a greater likelihood of recruiting head teachers for all through primary rather than single stage schools.

27. I am satisfied that the LA considered the concerns raised but am mindful that the DfE had informed it of the options available. I too have taken into account these concerns but note also that no objections were made to the statutory notice. In my judgement the consultation was appropriately conducted. There were comparatively few substantial concerns raised by parents and the options facing the LA were very limited.

28. I considered whether I should visit the schools and hold a meeting to hear directly any views for and against the proposal. However, as the views of the schools and parents are expressed in the documentation and no formal objections were received, I concluded there would be little to be gained from a meeting.

#### Other Matters: Admission Arrangements

29. The proposed admission arrangements for the School have, in summary, the following oversubscription criteria;

1. Children who are looked after by a local authority and children who were previously looked after.
2. Children or families who have a significant medical, physical, psychological or social need.
3. Children whose parents have a religious conviction for attending St Jude's Church of England Primary School only. Supporting evidence must be submitted with the application on the supplementary form provided, signed by the appropriate religious leader.
4. Children living within the schools designated catchment area.
5. Children whose parents have a religious conviction for attending St George's Beneficial Church of England Primary School only. Supporting evidence must be submitted with the application on the supplementary form provided, signed by the appropriate religious leader.
6. Children living outside the school's catchment area.

30. As the school is not established, the arrangements are not yet determined so I have not formally considered whether they are compliant with the Admissions Code. However I have viewed them from the point of view of someone unfamiliar with Portsmouth and do not consider the oversubscription criteria are as clear as they might be. As oversubscription criteria 3 and 5 refer to other named schools of a religious nature, a parent applying for Charles Dickens might wonder why this reference is made.

31. In addition would seem, at first reading, that if St Jude's Church of England Primary School were oversubscribed then parents who have a religious conviction for attending that school could apply for a place at Charles Dickens and be ranked above those children living in the catchment area. Similarly, children unsuccessful at gaining a place at St George's Beneficial Church of England Primary would have a higher priority than children outside the catchment area who have a sibling already on roll.

32. I have raised this matter with the LA who have informed me that criteria 3 and 5 do not apply to the School. I remain concerned that it is not as clear as it might be to list oversubscription criteria for a school not all of which apply. I am pleased to note that the LA has undertaken to review the wording

## **Conclusion**

33. I have concluded that I should approve the proposal for the reasons given above. The proposal is to close the two schools and open a new school in the same site. The potential benefits of working as an all through primary school should enable the school to make improved provision for its pupils.

## **Determination**

34. 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 Charles Dickens Infant and Charles Dickens Junior Schools with effect from 14 April 2013 and establish a new community primary school with effect from 15 April 2013.

Dated: 9 October 2012

Signed:

Schools Adjudicator: Miss Jill Pullen