



## DETERMINATION

<b>Case reference:</b>	<b>STP617</b>
<b>Proposal:</b>	<b>To discontinue Fernwood Infant School and Fernwood Junior School and establish Fernwood Primary and Nursery School</b>
<b>Proposer:</b>	<b>Nottingham City Council</b>
<b>Date of Decision:</b>	<b>22 January 2015</b>

### 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 Fernwood Infant School and Fernwood Junior School with effect from 27 August 2015; and to establish Fernwood Primary and Nursery School with effect from 28 August 2015.**

### The referral

1. Nottingham City Council (the local authority) (the LA) wrote to the Office of the Schools Adjudicator (the OSA) on 18 December 2014 seeking a decision on its proposals made under sections 15 and 11(A3) of the Education and Inspections Act 2006 (the Act). The proposal is to discontinue two maintained schools, Fernwood Infant School (the infant school) and Fernwood Junior School (the junior school) (the schools) on 27 August 2015, and to establish a new community primary and nursery school for pupils aged 3 to 11 years, on the current site and within the current premises of the schools, on 28 August 2015.

### 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 community primary school where it is to replace maintained infant and community junior school which are to be discontinued. The Schools Adjudicator is the decision maker for proposals made by LAs under section 11(A3) and for proposals under section 15 where these are related to other proposals where the adjudicator is the decision maker.
3. On 11 November 2014, having carried out the appropriate consultation, the LA's delegated decision makers, the Leader and Portfolio Holder Strategic Regeneration and Schools and the Corporate Director for Children and Adults, approved the publication of statutory notices to

discontinue the schools on 27 August 2015 and to establish a new community primary and nursery school on 28 August 2015. The LA formally published the proposals, in the form required by the Act, on 19 November 2014. No representations were received and following the consultation period, the LA referred the matter to the OSA for a decision.

4. 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 the jurisdiction to determine this matter.

## **Procedures**

5. In considering this matter, I have had regard to all relevant legislation and guidance. I have considered all the papers put before me and other relevant material, including:
  - a) the formal request by the LA for a decision from the adjudicator on the proposal, dated 18 December 2014;
  - b) notices of the pre-statutory proposal consultation, dated 16 and 17 September 2014;
  - c) the consultation documents, dated 22 September 2014;
  - d) a summary of the responses to the consultation, including reports of meetings held with interested parties;
  - e) a copy of the full proposals;
  - f) a note of the LA's delegated decision making process to approve the proposal, dated 11 November 2014;
  - g) a copy of the public notice published in the *Topper* newspaper on 19 November 2014;
  - h) a copy of the statutory notice to discontinue the schools and to establish a new community primary and nursery school, dated and published 19 November 2014;
  - i) an email from the LA providing further details of the consultation dated 5 January 2015;
  - j) a letter of support for the proposal from the executive head teacher and chair of governors of the schools, dated 8 January 2015;
  - k) the website of Nottingham City Council; and
  - l) the most recent Ofsted inspection reports for both schools.

## **Background**

6. The schools are situated in the Wollaton West ward of the City of Nottingham and are on the same site. At the time of the proposal in September 2014, the infant school had 360 pupils on roll and the junior school had 486. The schools have been federated since February 2011. There is one governing body and an executive head teacher, responsible

for overall strategy, supported by two heads of school who manage day to day matters, one in each of the schools.

7. The proposal is in accordance with the LA's policy to establish through primary schools with nurseries; the schools are the last remaining set of separate infant and junior schools in Nottingham City. The infant school is currently the only primary phase school in the city without a nursery. The proposal would establish a nursery within the children's centre building which is on the same site as the schools.
8. The proposal is for the new primary school to accommodate 840 boys and girls aged 4 to 11, with a published admission number (PAN) of 120. There would be 52 full-time-equivalent places (52 children in each of the morning and afternoon sessions) in the nursery.
9. The schools are the last in the primary phase in the LA to be subject to a proposal for what is commonly known as an 'amalgamation'. The delay has been in part because, for several years, they have worked well together in a federation and in part because the LA was aware, in the past, that there had been concerns about the size of a combined infant and junior school. However, the success of the federation and of other similarly sized primary schools has led the LA to consider that now is the right time for the proposal to be made, in the interests of developing more effective and efficient primary education in the locality, including on-site nursery provision.

### **Consideration of factors**

10. I have considered the proposal afresh taking account of the relevant statutory guidance and of the arguments put to me by the LA as proposer.

#### Standards of education

11. The most recent Ofsted inspection of the infant school was in May 2010, at which time its overall effectiveness was judged to be outstanding, while teaching and learning were good. In September 2014, an Ofsted inspection of the junior school judged it as outstanding in all aspects, commenting very positively on the leadership, especially its rigour in assessing the progress made by pupils. The view of the LA is that the proposed new school would continue to develop the high quality education currently provided by both schools and that the establishment of a through primary school would support a further improvement in standards through increased opportunities for continuity in curriculum planning and fewer transition issues for pupils. An additional benefit advanced by the LA is that of enabling parents to see '*a single development path*' for children throughout their primary schooling.
12. I am of the opinion that in these circumstances there is a strong argument to extend the scope and continuity of the outstanding leadership and governance within the current federation. A team with oversight of the

whole primary age range, and managing the introduction of nursery provision, would have the opportunity to consolidate and strengthen those outstanding features identified in many aspects of the current provision, and to enhance those which, while good, might still be improved.

#### Need for places

13. There are currently 360 pupils on roll at the infant school and 486 on the roll of the junior school. A new community primary school would offer 840 places for 4 to 11 year olds and a further 52 full-time-equivalent places in the nursery. The PAN for entry to the reception class would be 120. The catchment area of the proposed new primary school will be the present catchment area for the infant and junior schools. Both schools are currently full and there are no plans for expansion of the buildings; I am therefore of the view that the proposed PAN of 120 is appropriate. Although the LA has not supplied pupil number projections with the proposal, it is clear to me from other LA documentation that an anticipated increase in the demand for school places supports the retention of all places currently available at the two schools.
14. The proposal states that all pupils who already attend the infant or the junior schools will be able to transfer automatically to the new community primary school, if parents wish them to. As a community primary school, the LA would be the admission authority and determine admission arrangements, as it does for the current schools. It is not anticipated that the arrangements would change for the proposed new primary school. Parents would have the advantage of a single admissions process, with their children moving from the infant to the junior stage without having to apply again for admission to year 3 as at present. In my view, this is a distinct advantage for families.

#### The nursery provision

15. Representatives of the proposed new community primary and nursery school have met with local childcare providers to discuss integration of the proposed early years provision in the new school with existing childcare services. Local parental demand for additional wrap around care, after school and early years provision has been evidenced in these meetings and in direct representations to local and city councillors, as well as in responses to the consultation on this proposal.
16. The LA contends that the question whether schools and settings outside the maintained schools sector which deliver the Early Years Foundation Stage within three miles of the school and which have spare capacity can or cannot make provision for any forecast increase in the numbers of such children is not relevant in considering this proposal. This, the LA contends, is because the proposal is not in direct response to an increase in the numbers of such children, rather a response to the demand for a broader range and choice of provision. Given that a nursery facility on the campus of the new school would be convenient to parents with other

children attending the school, or to those who might have issues such as transport in accessing other provision, that accommodation is available which could be adapted for this new purpose, and that all other LA primary schools have nursery classes, I am minded to agree that it would be appropriate and beneficial to the community to include a nursery as part of the new school.

#### Traffic and travel

17. No change in site or location of the schools is involved in this proposal, nor are there issues regarding the transport of pupils that arise specifically from it. During the consultation, the point was made by several respondents that parking difficulties might arise through additional children being dropped off at the school site because of the new nursery provision. Although the LA acknowledges traffic issues in the locality and works with traffic enforcement officers as at many other schools, it actively encourages parents and children to walk to school, and will continue to do so; the LA is also of the opinion that a number of parents bringing nursery children by car will already have other children at the school, so that not all nursery related journeys will necessarily involve additional car usage. While acknowledging the concerns over parking, I am nevertheless satisfied there should be no significant impact on present travel arrangements or traffic conditions and that the LA is acutely aware of the need to monitor and manage traffic around the school site.

#### Premises and costs

18. As the buildings and site will remain the same there is no capital funding implication for the LA to consider in respect of the proposed new school.
19. The LA reports that a single school would benefit from efficiencies in the deployment of staff and resources brought about by operating a single budget. It is not anticipated that there will be any staffing redundancy costs.
20. The LA is currently seeking approval for capital works on the children's centre, located on the school campus, in which it proposes to establish the nursery. If approved, these works would be funded from the basic need grant. Ongoing maintenance would be funded through the new school's budget share; both schools show evidence of good budget management, with projected surplus balances for the end of the financial year 2014/15, the total of which would be transferred to the new primary school.
21. Funding for nursery pupils would come from the Early Years block of the Dedicated Schools Grant and each pupil aged 3-4 would be funded up to 25 hours per week.
22. I am of the view that the proposed new school, using the same buildings and facilities on the current shared site, would provide the opportunity for

more efficient financial administration and management. Proposals to establish and fund the new nursery are financially sound.

### Special Educational Needs

23. Both schools provide for all children regardless of their special needs, race, gender or family circumstances. There is no current provision recognised by the LA as reserved for children with special educational needs, nor is any such provision part of the proposal. The most recent Ofsted reports show that children with special educational needs in the schools make at least good, and often outstanding, progress. I can see no reason why provision for children with special educational needs should not flourish in the proposed school, given the enhanced opportunities for continuity and progression.

### **Consultation and the views of interested parties**

24. The LA carried out a public consultation on this proposal from 22 September 2014 to 19 October 2014. Information about formal consultation documentation, hosted on Nottingham City Council's website, was circulated to parents and carers of children at both schools, to all staff and governors, and to local childcare providers; letters or emails were sent to other interested parties. Responses could be made by completing a paper or online form, emailing officers directly, or by attending a consultation meeting to make views known in person.
25. Three face-to-face meetings were held by the LA at the start of the consultation process; one for parents and carers, one for staff and governors of the schools, and one for local childcare providers. In addition, the LA held a 'drop in' session at the junior school, and LA officers were at the school gates on a specified day to answer questions and gather additional views and comments.
26. The consultation drew 109 formal responses, of which 99 were from parents of children at the schools, seven from members of staff, one from a governor and one from a respondent indicated as 'other'. Of these responses, 103 were in favour of the proposal (95.3%), two were not in favour (1.9%), and four expressed no opinion either way (2.8%). Of the two respondents not favourable to the proposal, one did not say why, and the other supported a through primary school but not the establishment of a nursery, since it was felt there was already adequate local provision for this age group.
27. Twenty nine people attended the meeting for parents and carers; 16 were at the meeting for staff and governors; and 17 at the meeting for local childcare providers. In each of these meetings, the LA gave a presentation outlining the proposal, its rationale, and the consultation process, and then answered questions from the floor. The majority of questions concerned practical issues such as details of access to the nursery provision, the transfer of children to the new schools, and parking.

28. Only two parents attended the 'drop in' session, but about 30 spoke to school organisation officers at the school gates. While some practical issues were queried, for example how child minders could manage lunch time changeovers in the nursery, the majority of parents were in favour of the proposal for a through primary school with a nursery.
29. A number of emails were sent to the LA; several queried detailed aspects of the nursery provision and a few raised concerns about parking and the size of the new school. The LA provided full, individual answers to each of the points raised.
30. The statutory notice of the proposal was published in a local paper and posted on the school gates on 19 November 2014. On 17 December 2014, at the end of the four-week statutory notice period, no additional responses had been received and the LA sent papers to the OSA, requesting a determination of the proposal.
31. On 8 January 2015, the executive head teacher and chair of governors of the schools sent a joint letter to the OSA, in which they '*completely endorse*', the LA's proposal.
32. I consider that the LA undertook an appropriate consultation with the required parties, meeting all statutory obligations. It provided me with a detailed report of comments and submissions received and of its response to them which, in every case, was clear and helpful. It is my view that, while it is never possible to describe every practical nuance of how proposed new provision will operate, the LA provided honest and convincing answers to the questions it was asked.

## **Conclusion**

33. I note that the schools have been federated under a single executive head teacher and governing body for several years. Ofsted found one school to be good, with outstanding features, and the other to be outstanding in all aspects. The proposal has no capital cost or travel implications and will have no impact on the number of school places available, enabling all pupils in the current schools to transfer if their parents or carers wish them to do so. The executive head teacher and governing body are strongly in favour of the proposal. Most questions raised during the consultation concerned the nursery provision. Many were of a practical, rather than of a theoretical or strategic, nature; the LA has already provided reassurance on most of these issues and should be able to provide further advice and guidance as necessary when the provision is established. I therefore conclude that I should approve the proposal for these reasons and those given above.

## **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 Fernwood Infant School and Fernwood Junior School with effect from 27 August 2015; and to establish Fernwood Primary and Nursery School with effect from 28 August 2015.

Dated: 22 January 2015

Signed:

Schools Adjudicator: Andrew Bennett