



## **DETERMINATION**

**Case reference: STP627**

**Proposal: A statutory proposal to close Saint Benedict's Roman Catholic Voluntary Aided Middle School, Ashington, Northumberland**

**Proposer: The Federated Governing Body of Saint Aidan's Roman Catholic Voluntary Aided First School and Saint Benedict's Roman Catholic Voluntary Aided Middle School**

**Date of decision: 16 November 2016**

### **Determination**

**Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I determine that the proposals to close Saint Benedict's Roman Catholic Voluntary Aided Middle School, Ashington, Northumberland be approved without modification.**

### **The referral**

1. On 17 October 2016 Northumberland County Council, in its capacity as the local authority, wrote to the Office of the Schools Adjudicator to ask that the adjudicator make the final determination concerning this proposal because the two month period in which the Council could determine the proposal had expired. The proposal was made by the federated governing body of these two schools which are located in Ashington in Northumberland. The proposal has the support of the Roman Catholic Diocese of Hexham and Newcastle (the diocese) and the local authority.

### **Jurisdiction**

2. On 30 June 2016, having carried out a consultation from 3 May 2016 to 21 June 2016 as required for making a statutory proposal, the Federated Governing Body of Saint Aidan's Roman Catholic Voluntary Aided First School and Saint Benedict's Roman Catholic Voluntary Aided Middle School (the governing body) formally published its proposal to close Saint Benedict's Roman Catholic Voluntary Aided Middle School (the middle school). The notice was in the form required by the Education and Inspections Act 2006 (the Act).

3. This proposal is linked to the governing body's non-statutory proposal for Saint Aidan's Roman Catholic Voluntary Aided First School (the first school) to increase its age range by two years to become a primary school. This proposal has been conditionally determined by the governing body subject to the decision on the closure of the middle school. The governing body has also decided that it will move the resulting primary school to the vacated middle school site. The move is less than two miles from the existing site and so does not come within the purview of the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 and does not require statutory proposals.
4. The period for representations concerning the statutory proposal to close the middle school ran from 30 June 2016 until 28 July 2016. The proposal was to have been considered by the local authority in accordance with paragraph 8 of Schedule 2 to the Education and Inspections Act 2006 (the Act). Under Regulation 14 of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (the Regulations) the local authority had a period of two months to determine whether to give approval to this proposal. The local authority did not make the decision in this time period and so has referred the matter to the Schools Adjudicator in accordance with Regulation 17(2) of the Regulations.
5. I am satisfied that this request has been properly referred to me in accordance with the Act and the Regulations and that I have jurisdiction to determine this proposal.

### **Procedures**

6. In considering this matter I have had regard to all relevant legislation and guidance.
7. I have considered all the papers put before me including the following:
  - a. A report for Northumberland County Council Cabinet dated 11 October 2016;
  - b. the Northumberland County Council Family and Children's Services Overview and Scrutiny Committee report dated 15 September 2016 to the County Council Cabinet;
  - c. the statutory notice and prescribed information from the proposer as set out in the relevant regulations;
  - d. copies of the 13 consultation responses made during the consultation period before the public notice was published and the one representation made during the four week statutory period after this; and
  - e. the Ofsted inspection reports for the school from 2012, 2014 and 2015.

## **The Proposal**

8. The proposal is that the middle school should close on 31 August 2017. Linked to this proposal is the decision made by the governing body that the age range of the first school will increase to take two additional year groups so that it can accommodate the full primary school age range with a published admission number (PAN) of 30. In order to accommodate the primary school on the site of the former middle school some internal works will be required and these will be undertaken and funded by the school's governing body with the support of the diocese. The resulting St Aidan's Primary Roman Catholic Voluntary Aided Primary School will move to the site and buildings previously occupied by the middle school once the building work has been completed.
9. The pupils who complete Year 8 in summer 2017 will progress to high school as they would do irrespective of this proposal. Transition arrangements have been put in place for all other pupils attending the middle school. All pupils currently in Years 6 and 7 will transfer to St Benet Biscop Catholic Academy in Bedlington on 31 August 2017. All pupils in Year 5 will transfer to the roll of St Aidan's Roman Catholic Primary School as Year 6 students.

## **Background and Context**

10. St Benedict's Roman Catholic Voluntary Aided Middle School is located in Ashington and is one of the smallest middle schools in Northumberland. It caters for pupils in Years 5 to 8 and had 169 pupils on roll in July 2016. Most of its pupils join it from St Aidan's Roman Catholic First School and most go on to St Benet Biscop Catholic Academy at the end of Year 8. The Academy admits pupils from primary schools at Year 7 and has a further admission point for pupils from middle schools at Year 9. There is a federated governing body for the middle school and the first school but the schools operate independently from each other.
11. In recent years, other Catholic schools in the area have reorganised so that pupils who used to transfer at the end of Year 8 now transfer to high school at the end of Year 6. The federated governing body of the schools in this case considers that it would be in the best interests of the children in their area to transfer to high school at the end of Year 6. In order to achieve this, the proposal is that the middle school is closed and resulting primary school is moved into the existing middle school facilities. Some modifications will be required and these will be undertaken by the governing body and the diocese.
12. The proposal was considered by the local authority's Family and Children's Services Overview and Scrutiny Committee on 15 September 2016. The report of the meeting includes comments about home to school travel; the security of the vacated site and questions about the scale of any building adaptations required. The report concludes that the proposal should be supported.

## Consideration of Factors

13. I must take into account the provisions of the Act, the Regulations and the Department for Education Guidance “Opening and Closing maintained schools – Statutory guidance for proposers and decision- makers” and “Guidance for decision-makers – Statutory guidance for decision makers deciding prescribed alteration and establishment and discontinuance proposals”, both published in April 2016. The guidance sets out the matters that decision-makers must take into account when making a decision about a proposal to make a prescribed alteration to a school or to discontinue a school. I have considered the statutory process and the proposal made. I have taken careful account of the arguments put to me by the governing body, the local authority and the diocese and read all the consultation responses and representations.
14. The guidance requires decision makers to take a range of factors into account, I have grouped these under the following headings:
  - the consultation and representation period;
  - education standards, diversity of provision, is the school causing concern and will it be replaced by a more successful school;
  - the need for places;
  - rural schools and presumption against closure;
  - school size;
  - proposed admission arrangements;
  - national curriculum;
  - equal opportunity issues;
  - community cohesion and balance of denominational provision;
  - travel and accessibility;
  - funding; and
  - school premises and playing fields

Against each of these headings I have considered the governing body’s case for the closure of the middle school. In doing so, I have taken account of the plans for the extension of the age range of the first school and the move of the resulting primary school to the site of the middle school, even though these are not within my jurisdiction as they affect the matter which is for me to determine. The comments from the local authority, the governing body, the diocese and the consultation responses have informed my decision making.

## **The statutory process, consultation and the representation period**

15. The school has clearly set out the process and how it followed the guidance in drawing up the consultation and in discussing its proposal. The consultation ran from 3 May 2016 until 21 June 2016. Around 500 consultation papers were distributed and 13 responses were received. Meetings were arranged for the staff of the middle school and the first school and an open meeting was held for parents and other interested parties. Pupils were consulted. The 13 responses from the consultation supported the proposals and were discussed by the governing body when it met. It decided at its meeting to publish a statutory proposal and did this on 30 June 2016. The notice was published in the local press and placed on the gate at the entrance to the schools and in the reception areas. One representation was received during the representation period. This representation objected to the proposal to close the middle school on the grounds that demand would increase in the future and the school would be required. The governing body responded that the projections for pupil numbers show a reduction in numbers and with no sign that numbers are likely to increase in the future it is financially unsustainable to maintain a school with a high level of surplus places.
16. I am satisfied that the governing body has followed the guidance in respect of the statutory process including the consultation and publication of the statutory notice.

## **Education standards, diversity of provision, is the school causing concern and will it be replaced by a more successful school?**

17. The guidance requires decision makers to consider “*the quality and diversity of schools in the relevant area and whether the proposal will meet the aspirations of parents, raise local standards and narrow attainment gaps.*”
18. The middle school was judged to be a good school by Ofsted in the last inspection in 2015. However, financial constraints resulting from the decreasing numbers of pupils mean that the school will not be able sustain its specialist teaching staff and, as a result, provide the specialist subject teaching that would be expected for children in key stage 3 (years 7 and 8). This is likely to make it more difficult to maintain high standards. The school is not causing concern and there is no reason to think that standards will not continue to be good in the successor school. Indeed, the governing body anticipates that with a school that is aligned to the national curriculum key stages, the school will be able to improve pupil performance. The first school was inspected in 2013 and judged by Ofsted to be good. St Benet Biscop Catholic Academy was also inspected in 2013 and judged to be good.

## **Demand for places**

19. The local authority has supplied projections for pupil numbers in the area. The numbers are projected to decrease with cohort numbers reducing from 60 to 35 over the period 2014 to 2019. The figures are shown below and confirm the reducing roll for the school.

	Year 5	Year 6	Year 7	Year 8	total
2014/15	44	52	60	60	216
2015/16	55	43	51	58	196
2016/17	36	45	43	49	173
2017/18	38	36	44	43	161
2018/19	35	38	36	44	153
2019/20	35	35	38	36	144

### **School size**

20. The guidance says that *“decision makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost effectiveness of a proposal is an important factor for consideration.”*
21. The proposer pointed out that the size of the middle school was small and reducing with growing numbers of surplus places projected. As a middle school that provides education for Year 7 and Year 8 it is expected to provide specialist subject teachers. As a small school it is not financially possible to do this in the long term and so the pupils will be disadvantaged. The operation of primary provision on the site would provide the opportunity for more economies of scale that would help to secure the financial sustainability of the resulting primary school. The pupils in Years 7 and 8 will receive specialist teaching at the high school.

### **Rural schools and the presumption against closure**

22. The school is not defined as a rural school and so there is no presumption against closure that needs to be taken into account.

### **Equal opportunity issues**

23. The guidance says that *“the decision maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed.”*
24. There are no issues of this nature that are anticipated.

### **Community cohesion and balance of denominational provision**

25. When considering a proposal, the guidance says that *“the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.”*

26. There will be a denominational impact as the closure of the Roman Catholic middle school will reduce the denominational provision in years 7 and 8 in Ashington. However, pupils would be able to attend a nearby Catholic high school which is the school that most would in any case have joined in Year 9 upon leaving the middle school and there would be no reduction in the ability of the diocese to meet demand for catholic education. In consequence, there is no evidence to suggest that the closure of this school would have any adverse impact on the balance of denominational provision. So far as community cohesion is concerned, the balance of denominational provision is not changing and the schools will continue to serve the same community as at present under the same leadership. No concerns have been expressed about community cohesion.

### **Travel and accessibility**

27. The guidance says that *“the decision-maker should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel transport to school.”*
28. The discussion reported at the local authority committee meeting on 15 September 2016 confirms that the proposal is unlikely to result in any transport difficulties for pupils, although for some pupils in Years 7 and 8, the journey to school could increase if they live further from the secondary school than they did from the middle school. This is however, the journey that they would need to make once they reached Year 9 and change school. The numbers in the resulting primary school are projected to be similar to the numbers currently attending the middle school so an increase in pupil numbers on the site is not anticipated.

### **Capital**

29. The guidance says, *“The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available.”* The land and buildings of the middle school are in the ownership of the Roman Catholic Diocese of Hexham and Newcastle. If this statutory proposal is approved the diocese and the governing body have said that they would provide the necessary funds to adapt the building as a primary school. The savings made through this closure are estimated to be a recurrent revenue saving of £140,800 a year.

### **School premises and playing field**

30. The middle school premises will continue to be used as a school and so there will be no impact on the middle school site. If the proposal is approved, the first school site will become surplus to requirements. This is owned by the diocese

and the diocese will need to consider what it wishes to do with this site. If it is sold there will be a loss of facilities in the area but this will be in the context of a falling school population and the reduction in demand for the facilities. The local authority committee members asked the diocese to ensure that the site was kept secure prior to any sale.

### **Conclusion**

31. In drawing these issues to a conclusion, I have noted the proposer's description of the benefits of this proposal. I have taken into account the local authority's projection figures that show the reduction in pupil numbers over the next few years. I have noted that the local authority and the diocese are both in support of this proposal. The respondents to the consultation were in support of the proposal. The only dissenting opinion was the single response to the statutory notice. This response is a general comment about the need to ensure sufficient places in the future and to safeguard resources. I am satisfied with the response to this made by the governing body concerning the unsustainability of the school into the future with its projection of reducing pupil numbers.
32. There will be a need to adjust the number of staff across the schools and the local authority committee noted that a retraining programme with Newcastle University was being developed with the teaching unions to train teachers to teach unfamiliar teaching phases and to provide refresher training for those teachers who had left the profession and would like to return.
33. I conclude that the proposal to close the middle school in August 2017 on the grounds of falling pupil numbers should be approved.

### **Determination**

34. Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I determine that the proposals to close Saint Benedict's Roman Catholic Voluntary Aided Middle School, Ashington, Northumberland be approved without modification.

Dated: 16 November 2016

Signed:

Schools Adjudicator: David Lennard Jones