



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case Reference:** STP631

**Proposal:** To discontinue Meadow Lane Meadow Infant School and College House Primary School and establish The Lanes Primary School, in Chilwell Nottingham

**Proposer:** Nottinghamshire County Council

**Date of Determination:** 19 July 2017

**Under the power conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals to discontinue Meadow Lane Infant School and College House Primary School, two community schools in Chilwell, with effect from 31 August 2017; and to establish The Lanes Primary School, a community primary school, on 1 September 2017.**

### **The referral**

1. Nottinghamshire County Council (the local authority) wrote to the Office of the Schools Adjudicator (OSA) on 8 June 2017 seeking a decision on its proposals made under sections 15 and 10 of the Education and Inspections Act 2006 (the Act) for consideration under Schedule 2 to the Act. The proposals are to discontinue two schools, Meadow Lane Infant School (Meadow Lane) and College House Primary School (College House) on 31 August 2017 and to establish The Lanes Primary School (The Lanes) as an all-through community primary school for pupils aged 5 to 11 years within the existing premises of the schools on 1 September 2017. This process is commonly known as “amalgamating” two schools.

### **Jurisdiction**

2. Under section 15 of the Act, local authorities may publish proposals to discontinue schools. Under section 10(1), a local authority may publish proposals for the establishment of a new primary school which is to replace an infant and a junior school with the consent of the Secretary of State. When local authorities use these powers the Schools Adjudicator is the decision maker by virtue of regulations made under Schedule 2 to the Act, namely the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (the Regulations).
3. The local authority applied to the Secretary of State to publish the proposal

to establish the new school and received consent 3 February 2017. Having carried out the appropriate consultation, the local authority formally published statutory notices on 18 May 2017. The notices were in the form required by the Act, to discontinue the schools on 31 August 2017 and to establish a new community primary school on 1 September 2017. The notices met the requirements of Schedules 1 and 2 to the Regulations. No comments were received during the statutory four week period for representation to be made, and the local authority forwarded the information specified in the Act and Regulations to the OSA.

4. I am satisfied that these proposals have been properly referred to me in accordance with Schedule 2 to the Act and the Regulations and that I have jurisdiction to determine this matter.

### **Procedures**

5. In considering this matter I have had regard to all the relevant legislation and guidance, including the statutory guidance for decision makers, published April 2016. I have considered all the papers put before me, including the following:

- the formal request by the local authority on 8 June 2017 for a decision on the proposals, together with the following attachments:
- the minutes of the meetings of the governing body of Meadow Lane held 6 January 2016 and of the governing body of College House held 30 November 2015;
- a copy of the complete proposals;
- a copy of the consultation documentation;
- the public notice published on the local authority's website and also available on the websites of both schools;
- reports to Nottinghamshire County Council's Children and Young People's Committee;
- a briefing paper from the local authority; and
- information about the proposals downloaded from the internet.

### **The Proposal and Background Information**

6. Meadow Lane and College House are two separate community schools serving Chilwell in Nottinghamshire. The schools are on separate sites some 200 metres apart. The head teacher of Meadow Lane has been the executive head teacher of both schools since September 2015. In September 2016, the age range of College House, which had been a junior school changed so that the school became a primary school and began to admit children into Reception (Year R) as well as Year 3. The

published admission number (PAN) for Year R for Meadow Lane is 70. College House has two PANs: the PAN for Year R is 30 for Year 3 it is 80. There is an admission link which means that children attending the Meadow Lane are given priority for admission to College House.

7. The proposals are to discontinue Meadow Lane and College House on 31 August 2017 and to establish on 1 September 2017, an all-through primary school, The Lanes, providing places for children aged 5 to 11 years. The new primary school would have a PAN of 90 for Year R and would open in the existing accommodation of both schools.
8. These proposals are in accordance with local authority policy which states *“consultations take place to actively consider the advantages of amalgamating schools to form new primary schools”*. The present executive head teacher was previously the substantive head teacher of the Meadow Lane and took up the executive leadership of both schools when the head teacher of the College House departed in August 2015. The minutes of the meetings of both governing bodies show that both bodies voted unanimously in favour of the creation of one larger primary school.

### **Objections and representations**

9. The statutory public notice was published on 8 May 2017 and the notice period ended on 4 June 2017. No representations nor objections were received by the local authority.

### **Consideration of factors**

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

### **Standards of education**

11. Meadow Lane was inspected in 2007 and judged to be outstanding by Ofsted and has continued to be assessed as such by interim assessment. College House was judged as good by Ofsted in 2012. The local authority's view is that these are both high performing schools and would continue as such when combined. *“The amalgamation would enable school leaders to track the progress of children throughout their primary years, enabling the further improvement of attainment and progress and the most effective use of available resources”*.
12. My view is that replacing Meadow Lane and College House with an all-through primary school can offer continuity of learning and consistency of teaching, planning and monitoring across the primary age range thus raising standards further. The larger primary school is likely to support the stability of leadership and staffing by providing staff with increased career opportunities. There would be greater opportunities for existing staff to develop and broaden their skills and experience, and for the school to recruit and retain staff. I consider that the proposed primary school has

the potential to build on the successes of the present joint arrangements.

#### Diversity of Provision

13. There is a variety of primary schools of various sizes within a four mile radius of the school. I note that these include schools with a religious character, academies, primary, infant and junior schools. I therefore do not consider that these proposals would affect the diversity of provision in the area.

#### Admission Arrangements, Demand and Need

14. As noted above, Meadow Lane has a PAN of 70 for Year R with a net capacity of 210. College House has admitted reception class for the first time in September 2016 so has a PAN of 30 for Year R and a PAN of 80 for Year 3. If this proposal did not go ahead then the PAN for year 3 in 2019 would have to be reduced as the 30 pupils already on roll moved automatically into year 3. The actual physical capacity of College House is 419 (which is rather more than its former Year 3 PAN of 80 multiplied by the number of year groups). The total physical capacity of the two schools combined is therefore 629. The table below shows how many places were available in September 2016.

Year Group	Meadow Lane	College House YR	College House Y3	Total Places available
R	70	30	-	100
1	70		--	70
2	70		--	70
3	--		80	80
4	--		80	80
5	--		80	80
6	--		80	80
Total	210	30	320	560

15. The proposed primary school would have a PAN of 90, so giving a total of 630 places for pupils aged 5 to 11. All pupils on roll at the existing schools would automatically transfer to the new primary school unless their parents decide to seek a place for their child elsewhere. The issue of the PAN was not commented on negatively by any party during the consultation which preceded the publication of the statutory notice or the representation period which followed publication. There was one comment "*The establishment of a single school with a PAN of 90 would be a huge benefit as opposed to the current PANs at the two schools which lead to a very complex and less than ideal class structures*" The statutory proposal made clear that the PAN would be 90. I am on this basis satisfied that it is reasonable for the new school to have a PAN of 90.

16. Meadow Lane and College House are community schools, and as the proposed primary school would also be a community school, the local authority would continue to be the admission authority and would set the admission arrangements for the primary school, as it does for the existing schools. The local authority confirms that the admissions arrangements for The Lanes would be the same as those for Meadow Lane. The oversubscription arrangements give priority, after children looked after and previously looked after; to children with siblings living in the catchment area; children living in the catchment area; children with siblings living outside the catchment area; other children living outside the catchment area. The schools have the same catchment area.
17. I am satisfied that the proposed primary school places are needed and that there are sufficient places for the children on roll in the current schools to be accommodated in the new school. The admission arrangements would remain the same as those for other community primary schools in the local authority. Parents and carers would have the advantage of a common uniform, the same arrangements for school closure days, open evening and school events, and 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. Children would benefit from seven uninterrupted years of primary education without a potentially unsettling transition to another school.

#### Community Cohesion

18. It is not anticipated that these proposals would have any impact on community cohesion. The school would continue to operate within the Chilwell family of schools which comprises Chilwell Secondary School, John Clifford Primary School, Trent Vale Infant School and Rylands Junior School.

#### Travel and Transport

19. There would be no displacement of pupils because places at the new primary school would automatically be offered to children on roll at the existing schools and, operating from the same premises, there is unlikely to be any impact upon the length of journeys between home and school as a result of the implementation of these related proposals. It is likely that families would continue to use the same forms of transport and or walk the same routes. I am satisfied that there should be no impact on present travel arrangements or traffic around the primary school sites.

#### Special Educational Needs Provision

20. The special educational needs (SEN) policy of The Lanes School would initially be a merging and adaption of the existing policies of the two schools. All pupils currently in either school with a statement of special educational needs or an education health and care plan (EHCP) would transfer on to the roll of the new school, which would need to be named on their SEN statement or EHCP at the next review.

21. The local authority states that *"the main purposes for proposing the amalgamation are in respect of improved teaching and learning, greater opportunities for social interaction across the primary age range, improved transition from five to eleven, wider opportunities for professional development for staff and governors and the efficient use of resources across a split site serving a wider community of parents"*. I consider the advantages of the proposals for all children, for example, of continuity of provision, the wider opportunities for professional development of staff and efficient use of resources would offer the same advantages to pupils with special educational needs.

#### Funding

22. The new primary school would operate as an all-through school across the site of both predecessor schools. The local authority's funding formula provides a lump sum, currently £130,000 to each school. This means that one lump sum would be lost when the schools become one. However, The School and Early Years Finance (England) Regulations 2013 provide funding protection for amalgamating schools, thus the new primary school would continue to be funded at 100 per cent of the two lump sums for the remainder of the 2017-18 financial year, that is, from September 2017 to March 2018 and two lump sums at 85 per cent from April 2018 to March 2019 which equates to £100,000 at current figures. From April 2018 the primary school would then receive just the one lump sum.

23. I consider that the lump sum is not an insignificant amount. However, I note that there is a funding protection to give the school time to compensate for its loss and to gain any advantage possible from economies of scale; the local authority offers assurances that this possible.

#### Consultation and Representation.

24. Following discussions with the schools' governing bodies, the local authority agreed to proceed to public consultation on these proposals. A documents publicising and explaining what was intended was published electronically on the Council's and both schools' websites and 300 paper copies were delivered local. The document was distributed to the appropriate stakeholders including the staff, governors and the parents of all pupils attending the College House and Meadow Lane, local schools, elected members, the local Member of Parliament, early years providers and parish and district council. Options were given to respond by post, by email or attend a meeting. This pre-publication public consultation was carried out in the period 18 April 2016 to 12 June 2016.

25. A total of 40 written responses to the consultation were received: 26 of the respondents supported the proposal; nine were against and five undecided; of the five parents who indicated that they were against the proposals, there was concern that infant children would lose the caring infant experience in a larger school. One pupil responded and supported

the proposal.

26. Three consultation meetings were held on 19 April 2016, involving parents /carers, staff, governors and the wider public, approximately 43 people attended. The local authority reports that as a result of the responses *“parents, staff and school community are very confident in the existing schools current community status and that this confidence would be retained through any transfer to an amalgamated primary school of the same status”*
27. Having considered the responses the local authority decided to proceed to seek permission to publish proposals to close the existing schools and establish the school under section 10 of the Act. This consent from the Secretary of State was received 3 February 2017. The public notice was published on 18 May 2017. No responses were received in the four week period. The Children and Young People’s Committee decided to forward the information specified in sections 15 and 10 of the Act to the OSA for a decision.
28. The local authority provided evidence of meeting the requirements for consultation including detail of the responses. The statutory notices contained all the necessary information. I am satisfied that the local authority consulted appropriately with all the relevant parties, had due regard to comments received, and complied fully with all the statutory obligations.

## **Conclusion**

29. The governing bodies of both schools unanimously support these proposals which are in line with the policy of the Nottinghamshire County Council that the replacement of separate infant and junior schools with all age primary schools should be considered when the opportunity arises. There were few respondents to the informal consultations, of those only nine were against the proposals. There were no objections to the proposals during the formal representation period and I am satisfied that the local authority met all the requirements of the regulations.
30. I have found that the proposals have no implications for travel, number of school places available and community cohesion. The proposals do not change the number of pupils admitted across the 5-11 age range or the current class structure of the school. Admission into Year R would remain the same and as there would be a single primary school, parents would not need to apply again for admission to Year 3.
31. Forming an all through primary school has the potential to improve teaching and learning, thus learn raising standards, and the larger primary school is likely to support the recruitment and retention of staff by the provision of additional career opportunities; for these reasons and those in the determination above I approve the proposals.

## **Determination**

32. Under the power conferred on me in Paragraph 10 of Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposals to discontinue Meadow Lane Infant School and College House Primary School, two community schools in Chilwell, with effect from 31 August 2017; and to establish The Lanes Primary School, a community primary school, on 1 September 2017.

Date: 19 July 2017

Signed:

Adjudicator: Miss Jill Pullen