

CABINET

9 MARCH 2010

STATUTORY PERIOD FOR REPRESENTATIONS AND OUTCOME OF THE CONSULTATION ON THE PROPOSAL TO CLOSE ST. JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL

Portfolio Holder: Councillor Les Wicks, Children's Services
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Summary

This report informs Cabinet of the formal objections relating to the Statutory Notice proposing to close St. John's Church of England Voluntary Controlled Infant School from 31 August 2010 and asks Cabinet to determine the Notice.

1. Budget and Policy Framework

- 1.1 The proposal to close St. John's Church of England Voluntary Controlled (CEVC) Infant School is consistent with the provisions of the School Organisation Aims and Principles, which flow from the Children and Young People's plan (policy framework) and is within budget, therefore this is a matter for Cabinet.
- 1.2 There is a need for Cabinet to make a decision within two months of the end of the statutory notice period. The end of the statutory notice period was on 21 February 2010. If the Council fails to make a decision within the two months, then the proposals must be referred to the schools adjudicator.

2. Background

- 2.1 On the 17 September 2009 Cabinet received a report setting out the outcome of the consultation on the proposal to close St. John's CEVC School.
- 2.2 At the 17 September 2009 meeting the Cabinet, (decision: 146/2009) "authorised the Director of Children and Adults, in consultation with the

Portfolio Holder for Children's Services, to publish formal proposals including statutory notices relating to the closure of St. John's CE Infant School, from 31 August 2010."

- 2.3 In addition, (decision 147/2009) the Cabinet, "delegated authority to the Director of Children and Adults in consultation with the Portfolio Holder for Children's Services to determine whether to approve the closure proposals at the end of the statutory consultation period, if no objections are received, otherwise to bring a report back to Cabinet to determine the closure proposals."
- 2.4 If any objections are received the Cabinet must make the decision under paragraph 8 of Schedule 2 to the Education and Inspections Act 2006 (see section 5.5, bullet point 2).
- 2.5 The Cabinet decisions were subsequently called in and considered at the Children's Services Overview and Scrutiny Committee on 24 September 2009 where it was agreed that the proposal should be considered again by Cabinet. The proposals were re-considered by Cabinet on 6 October 2009, when it was agreed that the original decision should stand (decision numbers 163/2009 and 164/2009 refer).
- 2.6 Statutory notices and formal proposals relating to the closure of St. John's CE Infant School, from 31 August 2010, were published on 16 October 2009.
- 2.7 The Statutory notice period ended on 27 November 2009, and at the 15 December 2009 meeting, the Cabinet received a report setting out the views and objections received following publication of notices and formal proposals.
- 2.8 At the 15 December 2009 meeting the Cabinet, (decision:207/2009) "agreed to instruct officers to reconsider the ratio of denominational places taking into account the Cabinet decision on St. Nicholas Church of England Voluntary Controlled Infant School and All Faiths Children's Community School (decision no 205/2009), and that officers publish a new notice and proposal taking this into account."
- 2.9 If any objections are received to the new notice and proposal the Cabinet must make the decision under paragraph 8 of Schedule 2 to the Education and Inspections Act 2006 (see section 5.5, bullet point 2).
- 2.10 The new Statutory Notice and full proposals were published on 11 January 2010 and the deadline for representations ended on 21 February 2010.
- 2.11 The new Statutory Notice stated that comments submitted in response to the proposal published on 16 October 2009 in relation to the closure of St John's Church of England Voluntary Controlled Infant School will

also be considered by the Council unless the Council is notified they are withdrawn.

- 2.12 This report relates to the proposed closure of St John's CEVC School in the light of the objections that have been received to both the original and more recent statutory notices. A copy of the full proposal is attached as Appendix A to this report.

3. Issues raised by objectors and officer response

- 3.1 The Council received 15 formal objections to the content of the first Statutory Notice in which the Council proposed to close St. John's CEVC School, and 65 responses sent to the Rochester Diocesan Board of Education were also passed onto Medway Council. A further 20 formal objections were received in response to the second Statutory Notice, including a formal objection from The Church Of England Diocese of Rochester Board of Education. The proposal as set out in the second statutory public notice published on 11 January 2010, (attached as Appendix B), was "in accordance with section 15(1) of the Education and Inspections Act 2006 that Medway Council, Gun Wharf, Dock Road, Chatham, Kent. ME4 4TR intends to discontinue ST. JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL, 4 New Street, Chatham, ME4 6RH on 31 August 2010."
- 3.2 The majority of objections received have been from parents with children who currently attend the school. Responses were received from the head teacher of the school and the governing body of the school. These responses are attached as Appendix C and D respectively. A response has been received from the local Church of England Diocese, which is attached as Appendix E. Responses were also received from Medway Trades Union Council and the Priest-in-Charge of the parish in which the school is located.
- 3.3 The main issues raised by respondents, named in paragraph 3.2, over the 2 Statutory periods along with the officer response are summarised in the remainder of this section.

Availability of alternative places

Respondent comments

- 3.4 Respondents commented on the arrangements for finding other school places for pupils currently attending St. John's Infant school, noting that schools in the immediate vicinity appeared to be full, have few surplus places, are of a different character or have lower standards. In addition, concern was raised that families who may have older children who attend Balfour Juniors may find it difficult to drop children off at a school that is further away.
- 3.5 One respondent in the second round of objections expressed a concern about the need and cost of purchasing new school uniforms.

Officer response

- 3.6 Whilst some schools in the immediate vicinity are full or only have limited spaces, there are other schools within a reasonable distance that do have spaces available. The majority of pupils currently attending St John's could be allocated a place at St Michael's Catholic Primary, which is the nearest school to St John's or Delce Infant school, which is an acceptable walking distance from St John's. A number of other schools in Chatham and in neighbouring areas also have places available. At the time of the last school census in October 2009 there were, in addition to the surplus places at St John's, 67 available places in year R, year 1 and year 2 of other Church of England Primary Schools in Medway such as All Saints C E Primary School, St. Helen's C.E.P. School, St Nicholas C.E. Infants', St Margaret's at Troy Town CEP, St James CE (Voluntary Aided) Primary, St Mary's Island CE (Aided) PS and The Pilgrim School. For parents who would wish their child to continue their infant education in a school with a Church of England ethos, places could be offered at an alternative school.
- 3.7 Pupils would be entitled to free home to school transport if they satisfy the Council's published criteria of its home to school transport policy. This means that children living more than 2 miles from their nearest appropriate school, or the nearest school with places available would be entitled to free home to school transport. In addition if the parental preference is for a voluntary aided or voluntary controlled church school on denominational grounds, and the parents live over 2 miles from the school, if there are places available, then the family will be entitled to free home to school transport.
- 3.8 If the decision to close St John's is taken, then all parents with children currently attending the school would be asked to submit their preferences for school places. The Council would then work with families to place children in suitable alternative schools.
- 3.9 The Council will also contribute towards the cost of purchasing new school uniforms.

School place forecasts

Respondent comments

- 3.10 Respondents put forward the view that the Council may have underestimated the demand for school places in future years.
- 3.11 Some respondents including the head teacher at St. John's put forward the view that surplus places within the school were actually reducing.
- 3.12 The proposed housing developments at the former City Way and Horsted colleges were included in the content of some of the responses, where the view was taken that there will need to be additional places found for the children of the families living in these

new developments, and closing St Johns would only serve to exacerbate the problem.

Officer response

- 3.13 St. John's has a high number of surplus places. In January 2009 the number of surplus places was 24 (27%) which exceeded the level considered acceptable by the DCFS (25%). The number of surplus places has reduced to 17 (19%) since September 2009. What this highlights is how a fairly small change in numbers, in this case an increase in 7 pupils can have a significant impact on the proportion of surplus places. A small drop in numbers in a single year group can therefore have a disproportionate effect on the total number of pupils at the school, with serious consequences for the funding it receives and its viability. We accept therefore the point that surplus places have reduced; however, because of its small size, the school is vulnerable to the impact of future changes in roll numbers.
- 3.14 The estimate of future numbers takes into account birth figures for the area, information about future housing developments and historical data on migration in the area.
- 3.15 Although it is estimated that pupil numbers will grow over the next few years in the Chatham area, the number of places that will be available, even with the closure of St. John's is expected to meet this demand, with some places still remaining unfilled.
- 3.16 The overall percentage of surplus places in the Chatham area, in which the school is situated, at the time of the last school census in January 2009, was 9.5 per cent. There are no major housing developments planned in Chatham that are likely to impact on pupil numbers at St. John's or neighbouring schools.

Change unsettling for those pupils currently attending the school

Respondent comments

- 3.17 Respondents put forward the view that the transfer of pupils from St. John's to other schools represents an additional, unnecessary transition, which may affect pupils.

Officer response

- 3.18 Officers will work closely with families and other local schools to ensure that the transfer of pupils to other schools is effectively managed and well supported.

Standards at the school are good

Respondent comments

- 3.19 Many respondents highlighted the high standards achieved by the school, and felt that for this reason the school should remain open.

Officer response

- 3.20 The most recent OfSTED report (September 2009) judged the school to be satisfactory in relation to its overall effectiveness and capacity for sustained improvement. The report states that, *"Pupils join the school with skills which vary but which are generally below those expected nationally. By the time they leave at the end of Key Stage 1, standards are broadly average. Over the two key stages the rate of progress varies. All pupils make a good start in the Reception class and continue to make good progress in reading throughout Key Stage 1. However, progress in writing and mathematics slows and too few pupils achieve well for their age in both subjects. As a result, overall progress is satisfactory rather than good."*

Consultation process

Respondent comments

- 3.21 The majority of respondents to the consultation objected to the closure. Respondents wished to know why these views were not listened to.
- 3.22 Concerns were also raised about the limited timeframe remaining with which to arrange alternative places for the pupils for the new school year starting September 2010, due to the second statutory notice period.

Officer response

- 3.23 The consultation process gave all interested parties the opportunity to put forward their views and to offer alternative proposals. Generally those in favour of the proposal do not feel it necessary to formally respond to the consultation.
- 3.24 In the report to Cabinet on 17 September 2009, officers clearly set out the results of the consultation, which included a summary of the number of responses received and the number in support of, and opposed to the proposal. Officers also summarised the main points raised during consultation, including any alternative proposals, and presented additional information, to allow Cabinet to make a decision based on all of the available evidence. The views of respondents were listened to, however on balance having listened to all the information and evidence available, Cabinet agreed with the officer recommendation to close St. John's School.
- 3.25 It is expected that the process will be concluded with adequate time for the re-allocation of the pupils.

Quality of education and other provision

Respondent comments

- 3.26 A number of respondents argued that the school was valued because of the quality of teaching at the school. Many said that children were well cared for by the school and that the school provided a safe, caring environment for children.

- 3.27 Respondents argued that, although the school does not have its own nursery, it has good links with other local providers. Several respondents also mentioned the school's strong community links.
- 3.28 Some respondents were concerned that the formal proposal made reference to the way in which the proposal would improve the quality of SEN provision, but this was not given as a reason for closure in the Cabinet report from 17 September 2009.

Officer response

- 3.29 The school's most recent OfSTED report (September 2009) states that St John's provides a satisfactory standard of education, and that, *"pupils feel valued and safe"*. However this is also true of many other schools in Medway, including alternative schools in the local area. It is the view of officers that alternative schools will not only provide a standard of teaching at least as good as St. John's, but also a good level of pastoral care. The last OfSTED report for Delce Infant School in October 2007, for example, says, *"Children's personal development is outstanding because of the excellent care that they are given."* The OfSTED report for St Michaels RC Primary School in May 2009 says, *"pupils feel secure and want to come to school. Their personal development and well-being are good, nurtured by good quality pastoral care."*
- 3.30 Whilst St. John's may have good links with local nurseries, this still represents a transition for pupils midway through the foundation stage of learning. The site is very restricted with no opportunity for significant development or expansion. The school does not have a nursery and there is no space to develop one. The Council aims to continue to expand the proportion of schools offering an integrated Foundation Stage of learning from the age of three.
- 3.31 It is a statutory requirement for the Local Authority to include within the statutory notice of closure details of how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and range of educational provision for children with special educational needs (SEN). Whilst the council is required to demonstrate how the arrangements are likely to lead to improvements, it is not, in this case, a reason for closure. The reasons for closure are those that were reported to Cabinet on 17 September 2009 and are summarised in section 7 of this report. By closing St. John's, neighbouring schools will have larger overall budgets for SEN provision and these increased budgets will enable those schools to increase the standard, quality and range of their SEN provision in the area.

Headteacher, governor and diocese responses

- 3.32 In response to the second statutory notice a letter, shown as Appendix E, was received stating that as a result of a meeting of the Rochester Diocesan Board of Education on 11 February 2010 they had voted to object to the proposal to close St Johns CEVC School by nine votes to five. Previously the Diocese had formally recorded in the minutes of

their board meeting on 14 July 2009 that they did not oppose the closure, when the Diocesan Director of Education explained that the Diocese took the view that decisions on the number of spaces required are the responsibility of the local authority. Some additional points had been raised by the Diocese in this letter, which are reflected in the points shown below.

- 3.33 In addition to the points raised by respondents, which are summarised above, the head teacher and governing body have written objecting to the proposal and have made a number of additional points. Their responses are shown in Appendices C and D. The main points raised, which have not been covered earlier in this report, and the officer responses are detailed below.
- 3.34 **Point 1: Availability of alternative places.** This has been answered in paragraphs 3.6 to 3.7 above.
- 3.35 **Point 2: Differential treatment of St Peter's by Cabinet despite both schools having very similar circumstances.** The reasons given by Cabinet for keeping St Peter's School open were:
- This year's increased intake and above national average results at the School
 - Prospects for maintaining high standards at the school are good
 - The size of the school buildings and space onsite.

If we take each of these points in turn and compare St. John's:

- St. John's intake for 2009 has dropped slightly from the previous 2 years, although it is higher than the intake for 2007, when only 14 pupils were admitted. Standards at St. John's are also above the national average.
 - St. John's is smaller in size than St Peter's, with only 72 pupils on roll at the time of the October 2009 census compared to 86 at St Peter's. The smaller size of St. John's means that it is more vulnerable to the impact of changes to its intake and any resulting reduction in budget.
 - The site at St. John's is much smaller than St Peter's and it would not be possible to provide a nursery. St Peter's however, has a slightly larger site and could reduce its PAN to 30 and as a result accommodate a nursery.
- 3.36 **Point 3: That it had been suggested that key staff would be retiring at the end of the academic year.** This was not necessarily the case. The report to Cabinet on 17 September 2009 refers to the OfSTED report on small schools which notes the potential impact of significant staffing changes or of a weak teacher or head teacher, which can trigger a downward spiral affecting standards and morale in a small school. There was no suggestion in the report that any staff are about to retire or that any staff currently at the school are weak.
- 3.37 **Point 5: The suggestion that the building is not suitable for 21st Century learning is not true.** Whilst officers accept that the school is well maintained and in good condition for its age, the size of the school

building and the restrictions placed on it by the site, mean that it cannot be significantly developed. Because of the age of the school, maintenance costs will continue to rise over time.

- 3.38 **Point 6: While true that there is no nursery provision on site, this is not a problem.** The Council aims to continue to expand the proportion of schools offering an integrated Foundation Stage of learning from the age of three so officers believe that this remains a problem.
- 3.39 **Point 7: Surplus places have reduced with only 17 spare places out of 90.** The low intake of only 14 pupils in 2007 shows how vulnerable the school is to sudden changes in intake which can have serious consequences for the funding it receives and its viability. Whilst numbers may have risen, a smaller intake in any future year could significantly affect the viability of the school. Even with this number of surplus places, the school only has 73 pupils on roll. Where a school is small and has a high proportion of surplus places, the budget becomes particularly difficult to manage with less opportunity for the school to invest in raising achievement. Primary schools with between 80 and 100 pupils cost 16% more per pupil than larger schools.
- 3.40 **Point 8: There is no directive from central government to close schools.** Whilst it is true that there is no such directive, Medway's Primary Strategy for Change provided a clear plan to address surplus capacity in Medway, which was the subject of government approval.
- 3.41 **Point 9: There are no alternative Faith schools nearby.** There are a number of alternative Faith schools in Medway, and whilst there will be an impact from closure on the balance of denominational provision this will be small. In 2007 the council reorganised St Matthews Infant school (VC CofE) and Borstal Manor Junior school (Community School) into The Pilgrim school (VC CofE). This increased the proportion of denominational places.
- 3.42 **Point 10: St. John's encourages cultural diversity.** This is true, but so do all other schools in Medway. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensuring equality in their schools and for promoting community cohesion.
- 3.43 **Point 11: St. John's operates within its budget.** St. John's receives additional resources through Medway's school funding formula, which inevitably leads to a reduction in funding to others. Officers accept that St. John's manage their budget well.
- 3.44 **Point 12: Some staff will lose their jobs.** For the staff currently at the school there is a risk of redundancy. However the Council will work with the staff concerned and with other schools to make other posts available and to maximise the opportunities for redeployment.

- 3.45 **Point 13: Reducing the number of transitions is not a priority for parents in this area and not a sound argument for closing an Infant school.** The independent review of the primary curriculum, published in 2009, commissioned by DCSF and carried out by Sir Jim Rose, identifies the management of transfer from one phase to the next as a key issue in children's achievement. As well as the Rose report, other independent research recommends a removal of transition between infant and junior schools. The Cambridge Review of the Primary Curriculum which was recently published recommends that the Key Stage 1/2 division should be replaced by a single primary phase, yielding a seamless journey through Foundation (0-6) and Primary (6-11). It follows that the removal of such transitions is likely to improve outcomes for children. We are therefore working to reduce the number of transition points in a child's educational career.
- 3.46 **Point 14: Is it worth closing a small school for a small financial benefit.** The closure of St. John's would provide a minimum of £68,760. A further annual saving of £16,330 could be available depending on a decision about the use of the building and grounds. The total potentially available for reinvestment in the Council's Schools Budget is therefore £85,090.
- 3.47 **Point 15: St Michael's is a Roman Catholic primary school with a very different ethos from St John's.** If the decision to close St John's is taken, then all parents with children currently attending the school would be asked to submit their preferences for school places. The Council would then work with families to place children in suitable alternative schools.

4. Further advice and analysis

Factors to be considered in taking any decision are set out in paragraphs 4.1 to 4.12 below. These paragraphs summarise the DCSF guidance on decision making, which is set out in full at Appendix F.

4.1 A system shaped by parents.

Local authorities have a duty to secure diversity in the provision of schools, increasing opportunities for parental choice and to respond to representations from parents about the provision of schools.

This proposal is based on the policies set out in the adopted School Organisation Plan aims and principles and Primary Strategy for Change, which flow from our Children and Young People's plan.

One of the Council's stated aims is for popular and successful schools to expand in response to parental demand, however St. John's roll has fallen in recent years and, in January 2009, the school had 26.7 per cent surplus places (24 spaces). The January 2010 roll figures are not, at the time of writing, available and are due to be released in Early March 2010.

By closing St John's Infant School, the Council will strengthen the future viability of all schools in Medway and paragraph 4.2 explains how the proposal will secure diversity in the provision of schools.

4.2 Will the proposal secure diversity in the provision of schools and will there be an impact on the balance of denominational provision?

There will be an impact on the balance of denominational provision but this will be small. Church of England places currently account for 8.83 per cent of overall primary school places. Closing St John's Infant School would reduce that proportion to 8.56 per cent, which represents a decrease in the balance of denominational provision of less than half of one per cent.

In September 2007 the Council reorganised St Matthews Infant school (VC CofE) and Borstal Manor Junior school (Community School) into The Pilgrim school (VC CofE) which is close to St John's (2.37 miles). Paragraph 3.7 highlights and sets out the Council's commitment to provide free transport where the criteria is met.

At the time of amalgamation St Matthews had capacity for 144 pupils with a Published Admission Number of 50, and it was significantly undersubscribed, with only 74 pupils on roll, and a surplus capacity of 49%. The Pilgrim school in comparison to St Matthews has 210 places and therefore the amalgamation created 66 additional Church of England places in Medway Primary Schools.

A new Church Of England Academy with 8 forms of entry for students aged 11-19 will open in Medway in September 2010. This means that for the first time in Medway, a Church of England education will be available to pupils of all ages and will significantly increase the overall balance of denominational provision in Medway.

The following table shows the total number of Church of England school places in Medway as a proportion of the overall net capacity in all schools as at January 2009.

	Overall net capacity as at January 2009	Church of England school net capacity at January 2009	Church of England net capacity as a proportion of overall capacity at January 2009
Primary age	23856	2106	8.83%
Secondary age	22171	0	0.00%
Total	46027	2106	4.58%

The next table shows the total number of Church of England school places in Medway as a proportion of the estimated overall net capacity in all schools as at September if St John's were to close.

	Overall estimated net capacity as at September 2010	Estimated Church of England school net capacity at September 2010	Estimated Church of England net capacity as a proportion of overall capacity at September 2010
Primary age	23556	2016	8.56%
Secondary age	21597	1500	6.95%
Total	45153	3516	7.79%

This shows that although the overall proportion of Church of England places reduces slightly and by less than half of one per cent for primary age pupils, the overall balance of denominational places is set to increase from 4.58 per cent to 7.79 per cent as a result of an increase in secondary school Church of England places that will take effect from September 2010 upon the opening of the new Church of England Academy.

The Council considers that despite the slight reduction in primary school places caused by the proposed closure of St John's, parental choice will not be affected as there will be sufficient places in other Church of England schools in the area to accommodate displaced pupils.

4.3 **Will the proposal raise standards and open up new opportunities**

Yes. St. John's roll has fallen in recent years and, in January 2009, the school had 26.7 per cent surplus places and is forecast to have 16.7 per cent surplus places in 2014. The number of children on roll at January 2009 was 66. Having a large proportion of surplus places in a school means that the school is at risk of becoming unviable.

The proposal will impact on standards by reducing risk of under performance. Low numbers may affect a school's ability to deliver effective education to its children. Schools are mainly funded by an amount of money for each child attending. If a school has low numbers, the income decreases but many of the running costs, such as premises costs, do not reduce. Therefore, the management of a school can become very difficult, particularly maintaining high quality provision on a reducing budget, retaining and recruiting staff and having to re-organise classes on a regular or irregular basis if numbers fall. This can cause instability and affect pupils' achievement.

Supporting all schools in the area, without addressing the number of surplus places will tie up resources and lead to potential unviability for those schools, like St. John's, where the level of unfilled places is high.

4.4 **Will the proposal promote the principles of every child matters (being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being)?**

Yes. By taking these measures to support the future viability of schools in Medway, the Council is ensuring the most effective use of resources and ultimately supporting the every child matters agenda for all Medway pupils. This proposal is based on the policies set out in the

adopted School Organisation Plan aims and principles and Primary Strategy for Change, which flow from our Children and Young People's plan, and so the every child matters agenda has been taken into account. The rationale behind the proposals is to improve educational outcomes for children in Medway.

4.5 Will there be sufficient capacity for pupils in the area and will there be a reduction in surplus school places?

The number of children of primary school age has been falling locally and nationally in recent years and Medway primary age schools have seen a 10 per cent decrease in pupil numbers between 2003 and 2009.

Overall birth numbers in Medway are beginning to increase. In 2004, the birth figure was 3,182, which steadily rose to 3,496 in 2009. As a result of this increase our forecasts show that while pupil numbers will increase in 2013/14, this will only represent an increase of around 2 per cent and will leave a high proportion of surplus places in some areas.

The overall proportion of surplus places in Medway in July 2008 was 11.57 per cent. This proportion of surplus places has increased to 12.6 per cent based on January 2009 (census) data.

St. John's roll has fallen in recent years and, in January 2009, the school had 26.7 per cent surplus places and is forecast to have 16.7 per cent surplus places in 2014.

The overall percentage of surplus places in the Chatham area in January 2009 was 9.5 per cent. Our forecasts, taking into account the latest birth rate data, shows that if the current number of school places were to remain, then in 2014 there will be 5.0 per cent surplus places.

The majority of pupils currently attending St. John's could be allocated a place at St Michael's Catholic Primary, which is the nearest school to St. John's or Delce Infant School, which is an acceptable walking distance from St. John's. A number of other schools in Chatham and in neighbouring areas also have places available.

4.6 Impact on the community

The school offers after school provision for children in year 2, linking with other neighbouring schools for extended services. Alternative provision that is of equivalent quality to that offered at St John's is available at neighbouring alternative schools. Both Delce Infants and St Michaels RC Primary School provide the full core extended schools offer which includes:

1. Childcare – on schools site or signposted to a private provider or nearest school;
2. Varied menu of activities – study support, sports, arts, drama, numeracy & literacy;

3. Community access - access for adult education & family learning;
4. Parenting support – giving well informed information to parents to help pupils & parents in transition from Foundation Stage to Year R [Reception], from Infants to Junior & from Primary to Secondary; and swift & easy referral to specialist services i.e. speech/language, social services, Education Welfare Officer, Education Psychology).

4.7 Travel and accessibility

The majority of pupils currently attending St. John's could be allocated a place at St Michael's Catholic Primary, which is the nearest school to St. John's or Delce Infant school, which is an acceptable walking distance from St. John's. A number of other schools in Chatham and in neighbouring areas also have places available.

St Michaels Catholic Primary school is 0.30 miles from St. John's CE Infant School. Delce Infant School is 1.4 miles from St. John's CE Infant School. Many parents of children at St. John's live between St. John's and Delce Infant schools. Paragraph 3.7 highlights and sets out the Council's commitment to provide free transport where the criteria is met.

4.8 Community Cohesion, Race Equality and Equal Opportunity issues

Pupils from a wide range of ethnic backgrounds attend St John's Infant school, with Bangladeshi and Indian communities representing around one third of the total pupil population. Many other schools in the local area also provide for a wide range of ethnic backgrounds and all schools in Medway are responsible for ensuring equality in their schools and for promoting community cohesion. Local Authorities have a statutory duty to promote equality and the Council would work with all families to ensure that alternative provision will provide the appropriate support regardless of ethnic background.

4.9 Early Years Provision

There is no nursery provision at St. John's, but such provision is available at neighbouring schools. In the local area there are a number of other denominational and non-denominational school's which provide services to the local community. SureStart children's centres are provided locally at All Saint's Chatham, St Margaret's at Troy Town and will be available at Delce Infant school from April 2010, to help mitigate any adverse impact caused by the proposed closure

4.10 Special educational needs

The local authority believes the proposal to close St John's is likely to lead to improvements in the standard, quality and/or range of the educational provision for the children with special educational needs (SEN) currently at St. John's CEVC Infant School for the following reasons:

If the proposal goes ahead, neighbouring schools would receive a larger overall budget for SEN, and these increased budgets will enable

those schools to increase the standard, quality and range of their SEN provision, and improve such provision in the local area from its present levels. The consolidation of pupils at other schools will enable resources to be used more flexibly. There will be greater budgetary flexibility for schools to train their own specialist teachers and support staff in developing expertise in various specialties and those schools will be able to use their available resources more effectively over time to support early intervention. This will lead to a general improvement in SEN provision in the local area.

4.11 Views of interested parties

A number of statutory objections have been received, as set out earlier in the report. The full range of views received on the proposal during the informal consultation period were reported to Cabinet on 17 September 2009. This report has been updated to include the views and objections received as a result of the second statutory notice period which was published on 11 January 2010 and the deadline for representations ended on 21 February 2010.

4.12 Compliance with statutory regulations

Officers can confirm that the published notices comply with the statutory requirements as set out in The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 ("the 2007 Regulations").

5 Financial and legal implications

Legal

5.1 In closing St. John's School, the Council has followed the statutory process. This included:

5.2 An initial consultation process was authorised by Cabinet on 12 May 2009, which included the following:

- Public consultation documents were circulated to the following: staff, students, parents and governors at St. John's; primary schools across Medway, all Councillors, local MPs, union representatives, Diocesan Authorities, all Medway libraries, Kent Children's Services, Kent & Medway Learning & Skills Council, Medway Primary Care Trust, Medway Strategic Health Authority;
- Over 3000 additional consultation documents were requested by the school during the consultation, which were distributed by the school;
- One public consultation meeting held on 7 July 2009;
- a staff consultation meeting with the staff of St. John's School held on 7 July 2009;
- a meeting with governors from St. John's School held on 7 July 2009;
- publication of the public consultation document on Medway Council's website.

- 5.3 The results of consultation were reported back to Cabinet on 17 September 2009, Children's Services Overview and Scrutiny Committee on 24 September 2009, which called in the proposals to Cabinet on 6 October 2009. Formal proposals were published, including the issuing of statutory notices relating to the closure of St. John's CEVC Infant School, in accordance with the 2007 Regulations. Proposals were published within a reasonable timescale of the conclusion of the initial consultation. Following publication of the proposals, there is a six-week statutory consultation period.
- 5.4 The initial statutory notice for these proposals was published on 16 October 2009, and subsequently a second statutory notice was published on 11 January 2010 (see section 2.8 above).
- 5.5 The "decision maker" with regard to Statutory proposals is as follows:
- Following the publication of the Statutory Notice period where no objections are received the Council must make the decision under paragraph 19 of Schedule 2 to the Education and Inspections Act 2006.
 - If any objections are received the Council (Cabinet) must make the decision under paragraph 8 of Schedule 2 to the Education and Inspections Act 2006. As objections have been received, the decision must be made under this paragraph.

Under paragraph 8 of Schedule 2 the Council may:

- (a) reject the proposals;
- (b) approve the proposals without modification;
- (c) approve the proposals with modifications, after additional consultation with prescribed persons; or
- (d) approve the proposals subject to them meeting with a specific permitted condition (e.g. the making of an agreement under s482 (1) of the Education Act 1996 for the establishment of an Academy).

In deciding whether or not to approve the proposals the decision maker must have regard to the statutory guidance provided by the Secretary of State (the current guidance is contained in the DCFS publication (Closing a Maintained Mainstream School: A Guide for Local Authorities and Governing Bodies) (a copy of which is attached to this report). The key factors to be considered are set out in paragraphs 4.16 to 4.63 of the guidance.

- A determination must be made within two months of the end of the representation period; if it is not made by the Council within two months the decision must be referred to the School's Adjudicator. In addition, there is a right of appeal against the Council's decision to the Schools' Adjudicator, by any of the following bodies: the local Church of England Diocese, the local Roman Catholic Diocese, the Learning & Skills Council and, in the case of a voluntary or foundation school, the governing body or trustees of the school. St

John's is a voluntary controlled school. If an appeal against the Council's decision is made by any of these bodies this must be submitted to the Council within four weeks of the Council's decision. The Council must then send the proposal with comments and objections received to the Schools' Adjudicator within one week of receipt of the appeal.

- 5.6 The Council is the body required to make a decision on these proposals under the Education and Inspections Act 2006.

Financial

- 5.7 If St John's is closed it would generate savings of £68,760 through the removal of fixed costs and the impact of dis-economies of scale. Further savings of £16,330 could be made depending on a decision about the use of the building and grounds. In the year of closure the savings may be offset by redundancy costs but the Council would seek to re-deploy displaced members of staff to keep redundancy costs to a minimum.
- 5.8 The accumulated revenue reserves of closing schools are ring-fenced to the overall Schools Budget. Any budget reserves will add to the funds available for re-distribution to other schools but in the event that there is a deficit at the time of closure, this will reduce the savings available.

6 Risk Management

- 6.1 The following risks arise if the recommendations in this report are not implemented . These are principally:
- The future viability of St John's Infant school is at risk. The school has a large number of surplus places, and as demonstrated by the low intake in 2006/07 of 14 pupils, the school is particularly vulnerable to changes in roll numbers, which impact directly on the amount of money the school receives.
 - The school is vulnerable to changes in staff and leadership. The OfSTED report on small schools notes the potential impact of significant staffing changes or of a weak teacher or head teacher, which can trigger a downward spiral affecting standards and morale in a small school.
 - Future cuts in public expenditure are likely to affect the money available for schools. St John's receives additional subsidies, which inevitably leads to a reduction in funding to others.
 - A risk to the ability of the Council to demonstrate that it can manage its surplus capacity effectively, which was a requirement to obtain funding through the Primary Strategy for Change, as set out in the DCSF guidelines.
 - A risk that it would undermine the School Organisation Aims and Principles.
 - A risk to the Council's need to ensure the most effective use of resources and in turn to raise standards across all schools.

- 6.2 The Council has both a moral and statutory duty to promote high standards and to ensure the viability of our schools.

Diversity Impact Assessment

- 6.3 A diversity impact assessment is completed and attached. This series of proposals are designed to ensure primary age children across Medway are provided with opportunities within first class learning environments to succeed in learning.

Impact of the proposal on arrangements for Looked after children

- 6.4 Looked after children receive the highest priority for admission to other schools. If necessary, the Admissions Code allows the Council to place looked after children in schools that would otherwise be deemed to be full. i.e. to exceed the admission number for the school. This ensures that the Council can secure appropriate alternative provision for children that are looked after by the local authority.

7. Recommendation

- 7.1 Cabinet is asked to decide the proposal to discontinue St. John's CEVC School, for the reasons set out in this report and summarised below. Cabinet is asked to approve the proposal in the following terms:

"in accordance with section 15(1) of the Education and Inspections Act 2006 that Medway Council, Gun Wharf, Dock Road, Chatham, Kent. ME4 4TR intends to discontinue ST. JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL, 4 New Street, Chatham, ME4 6RH on 31 August 2010."

8. Suggested reasons for decision(s)

- 8.1 The suggested reasons for the decision are set out in paragraphs 4.1 - 4.2 of this report. In summary the main reasons are: the high level of surplus places at the school and the risk therefore to future viability; the need to ensure effective use of resource and in turn raise standards across schools; and the need to secure value for money in public services.
- 8.2 Rolls have fallen since 2003 and, though they are projected to rise to 2014, the school will remain small at less than 80 pupils.
- 8.3 The school's most recent OfSTED report in September 2009 comments, "*St John's is providing a satisfactory education with strengths in some important areas... overall progress is satisfactory rather than good.*"
- 8.4 Small schools in Medway receive a curriculum protection element within their budgets: this is calculated on a sliding scale so that the smallest schools receive the highest payments. In the case of St. John's, this amounted to £47,274 in 2009/10. The school also attracts

private donations – these have varied between £892 and zero in each of the last three years. Whilst St. John's has managed its budget well and remained in surplus, the school would quite clearly be unviable without the curriculum protection element of the budget which constitutes more than 10% of the school's total income.

- 8.5 If the school were to be closed and the pupils attended other schools in Medway, the saving in terms of fixed costs would be a minimum of £68,760 annually (at 2009/10 prices). An additional annual saving of £16,330 could be made depending on a decision about the use of the building and grounds
- 8.6 Displaced pupils, who come from a relatively wide area of Medway, can be accommodated in local schools, if St. John's were to be closed.
- 8.7 All schools' budgets are allocated from a ring-fenced grant to the Council from central government, called the dedicated schools grant (DSG). It follows that a subsidy to one school inevitably leads to a reduction in funding to others. Both major political parties have indicated that public expenditure will be reduced significantly following next year's general election, although at this stage the extent to which this will affect education expenditure is uncertain. In these circumstances, the need to secure value for money in public services is crucial.
- 8.8 St. John's has no nursery and there is no space to develop one on the school site. Equally, children leaving the St. John's undergo a transition to junior school, the majority going on the Balfour Junior. After four years, children undergo a further transition when they transfer to secondary school. The already small size of the school means that reducing the published admission number below 30 is not a viable option.
- 8.9 The independent review of the primary curriculum, published in 2009, commissioned by DCSF and carried out by Sir Jim Rose, identifies the management of transfer from one phase to the next as a key issue in children's achievement. It follows that the removal of such transitions is likely to improve outcomes for children.
- 8.10 For all the above reasons, officers recommend the closure of St. John's Infant School.

Contact for further details:

Chris McKenzie, Head of School Organisation and Student Services

Tel 01634 334013

E-mail: chris.mckenzie@medway.gov.uk

Background papers

- Closing a maintained school - guide for local authorities and governing bodies
- Establishing a new maintained mainstream school - a guide for local authorities
- Future of Secondary Education in Strood: Cabinet Report – 25 September 2007
- Making changes to maintained mainstream school - a guide for local authorities and governing bodies
- The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007

Appendices

A: Matters to be specified in section 15 proposals to discontinue a school

B: Statutory Public Notice

C: Headteacher response

D: Governing Body responses

E: Diocese response

F: Closing a maintained school - guide for local authorities and governing bodies

G: Diversity Impact Assessment

A copy of all objections and comments received is available to Cabinet members, please contact the School Organisation Team on 01634 331040

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

Insert the information asked for in the expandable box below each section.

Contact details

1. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Medway Council, Gun Wharf, Dock Road, Chatham ME4 4TR
ST JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL, 4
New Street, Chatham, ME4 6RH

Implementation

2. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

The proposed closure of ST JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL, 4 New Street, Chatham, ME4 6RH is planned for 31 August 2010.

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

All applicable statutory requirements to consult in relation to this proposal have been complied with.

4. Evidence of the consultation before the proposals were published including—
- (a) a list of persons and/or parties who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted; and
 - (d) copies of all consultation documents and a statement of how these were made available.

- a) Appendix A – List of consultees
- b) Appendix B – Transcript of the public consultation meeting which was held on 7 July 2009. There was also a consultation meeting with the staff and governors of St John's on 7 July 2009.
- c) Appendix C - The report to Medway Council's Cabinet dated 17 September 2009 in which the views of the persons consulted are summarised.
- d) Public consultation documents were circulated to staff, pupils, parents/carers and governors at St John's, local residents, and all those listed in Appendix A. The consultation document was published on Medway Council's website. A copy of the consultation document is attached as Appendix D.

Objectives

5. The objectives of the proposal.

The proposal is to close St Johns CE Infant School in August 2010 and relocate pupils to neighbouring schools. This proposal is made in order to reduce surplus places and to ensure that the remaining provision in the area will be able to deliver efficient and effective education.

Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

St John's roll has fallen in recent years and, in January 2009, the school had 26.7 per cent surplus places and is forecast to have 16.7 per cent surplus places in 2014. The number of children on roll at January 2009 was 66 when the capacity of the school is 90. Having a large proportion of surplus places in a school means that the school is not viable.

Low numbers may affect a school's ability to deliver effective education to its children. Schools are mainly funded by an amount of money for each child attending. If a school has low numbers, the income decreases but many of the running costs, such as premises costs, do not reduce. Therefore, the management of a school can become very difficult, particularly maintaining high quality provision on a reducing budget, retaining and recruiting staff and having to re-organise classes on a regular or irregular basis if numbers fall. This can cause instability and affect pupils' achievement.

Supporting all schools in the area, without addressing the number of surplus places will tie up resources and lead to a potential negative effect on standards for those schools, like St John's, where the level of unfilled places is high. Therefore the proposed closure of St John's will have a positive impact on standards.

Closure of St John's primary school and the relocation of pupils to other schools in the area, will improve the quality of education available to pupils in the area.

Provision for 16 -19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities,

for 16-19 year olds in the area.

Not applicable

Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

The number of children of primary school age has been falling locally and nationally in recent years and Medway primary age schools have seen a 10 per cent decrease in pupil numbers between 2003 and 2009.

Overall birth numbers in Medway are beginning to increase. In 2004, the birth figure was 3,182, which steadily rose to 3,313 last year. As a result of this increase our forecasts show that while pupil numbers will increase in 2013/14, this will only represent an increase of around 2 per cent and will leave a high proportion of surplus places in some areas.

The overall proportion of surplus places in Medway primary schools in July 2008 was 11.57 per cent. This proportion of surplus places has increased to 12.6 per cent based on January 2009 (Census) data.

St John's roll has fallen in recent years and, in January 2009, the school had 26.7 per cent surplus places and is forecast to have 16.7 per cent surplus places in 2014.

The overall percentage of surplus places in the Chatham area in January 2009 was 9.5 per cent. Our forecasts, taking into account the latest birth rate data, shows that if the current number of school places were to remain, then in 2014 there will still be 5.0 per cent surplus places.

The majority of pupils currently attending St John's could be allocated a place at St Michael's Catholic Primary, which is the nearest school to St John's, or Delce Infant school, which is an acceptable walking distance from St John's. A number of other schools in Chatham and in neighbouring areas also have places available.

9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

There will be an impact on the balance of denominational provision but this will be small. Church of England places currently account for 8.83 per cent of overall primary school places. Closing St John's Infant School would reduce that proportion to 8.56 per cent, which represents a decrease in the balance of denominational provision of less than half of one per cent.

In September 2007 the Council reorganised St Matthews Infant school (VC CofE) and Borstal Manor Junior school (Community School) into The Pilgrim school (VC CofE) which is close to St John's (2.37 miles). At the time of amalgamation St Matthews had capacity for 144 pupils with a Published Admission Number of 50, and it was significantly undersubscribed, with only 74 pupils on roll, and a surplus capacity of 49%. The Pilgrim school in comparison to St Matthews has 210 places and therefore the amalgamation created 66 additional Church of England places in Medway Primary Schools.

A new Church Of England Academy with 8 forms of entry for students aged 11-19 will open in Medway in September 2010. This means that for the first time in Medway, a Church of England education will be available to pupils of all ages and will significantly increase the overall balance of denominational provision in Medway.

The following table shows the total number of Church of England school places in Medway as a proportion of the overall net capacity in all schools as at January 2009.

	Overall net capacity as at January 2009	Church of England school net capacity at January 2009	Church of England net capacity as a proportion of overall capacity at January 2009
Primary age	23856	2106	8.83%
Secondary age	22171	0	0.00%
Total	46027	2106	4.58%

The next table shows the total number of Church of England school places in Medway as a proportion of the estimated overall net capacity in all schools as at September if St John's were to close.

	Overall estimated net capacity as at September 2010	Estimated Church of England school net capacity at September 2010	Estimated Church of England net capacity as a proportion of overall capacity at September 2010
Primary age	23556	2016	8.56%
Secondary age	21597	1500	6.95%
Total	45153	3516	7.79%

This shows that although the overall proportion of Church of England places reduces slightly and by less than half of one per cent for primary age pupils, the overall balance of denominational places is set to increase from 4.58 per cent to 7.79 per cent as a result of an increase in secondary school Church of England places that will take effect from September 2010 upon the opening of the new Church of England Academy.

The Council considers that despite the slight reduction in primary school places caused by the proposed closure of St John's, parental choice will not be affected as there will be sufficient places in other Church of England schools in the area to accommodate displaced pupils.

Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

In January 2009 St John's CE Infant School had 66 pupils on roll (PLASC 2009). The age range of pupils is 4-6. The school caters for both sexes. The school has no specific SEN provision. At the time of the pupil count the school had a number of pupils with identified Special Educational Needs ("SEN"); namely 6 children supported by School Action Plus and 8 children supported by School Action, but none of the children currently at the school have a Statement of SEN.

Displaced Pupils

11. Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

The re-allocation process would be handled by Medway Council's school admissions team. All families would be invited to submit an application form, on which they will be able to state their preferences for schools for re-allocation.

All pupils attending St John's at the point of closure will be offered places at either St Michael's Catholic Primary, Hills Terrace, Chatham, ME4 6PX or Delce Infant and Nursery School, Fleet Road, Rochester, ME1 2QA. There are also vacancies in other Medway schools and the usual arrangements for responding to parental preferences will apply. For those schools with places available, places will be allocated using the oversubscription criteria for each school. Where a school has no places, or a place cannot be offered, because other children have been offered available spaces based on the applied oversubscription criteria, parents will have the right of appeal.

At the time of the last school census in October 2009 there were, in addition to the surplus places at St John's, 67 available places in year R, year 1 and year 2 of other Church of England Primary Schools in Medway such as All Saints C E Primary School, St. Helen's C.E.P. School, St Nicholas C.E. Infants', St Margaret's at Troy Town CEP, St James CE (Voluntary Aided) Primary, St Mary's Island CE (Aided) PS and The Pilgrim School. For parents who would wish their child to continue their infant education in a school with a Church of England ethos, places could be offered at an alternative school. Medway Council's school transport policy states that if a child is attending a school on denominational grounds, the council may count this as the nearest appropriate school. This means that the Council would provide free home to school transport to an alternative denominational school if the family live over 2 miles from the school.

12. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

No other measures are proposed to increase the number of school places. Following the implementation of this proposal there will continue to be sufficient places in the local area, and across Medway.

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

Transitional arrangements will be made to support arrangements at the next nearest schools. There is no nursery provision at St John's, but such provision is available at neighbouring schools. In the local area there are a number of other denominational and non denominational schools which provide services to the local community. SureStart children's centres are provided locally at All Saint's Chatham, St Margaret's at Troy Town and will be available at Delce Infant school from April 2010 to help mitigate any adverse impact caused by the proposed closure.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

The school offers after school provision for children in year 2, linking with other neighbouring schools for extended services such as an after school club for year 2 pupils. Alternative provision that is of equivalent quality to that offered by St John's is available at neighbouring alternative schools.

Travel**15.** Details of length and journeys to alternative provision.

St Michael's Catholic Primary school is 0.30 miles from St John's CE Infant School. Delce Infant School is 1.4 miles from St John's CE Infant School. Many parents of children at St John's live between St John's and Delce Infant schools.

The following Church of England Primary schools each have some places available as reported at the time of the last school census in October 2009. The distance of each of these schools from St John's CE Infant school are shown below:

All Saints C E Primary School - 0.97 miles

St. Helen's C.E.P. School - 6.55 miles

St Nicholas C.E. Infants' - 2.13 miles

St Margaret's at Troy Town CEP - 1.09 miles

St James CE (Voluntary Aided) Primary - 13.99 miles

St Mary's Island CE (Aided) PS - 2.38 miles

The Pilgrim School - 2.37 miles

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Because of the close proximity of alternative places at St Michael's Catholic Primary School and Delce Infant school, we expect that the majority of pupils would be able to walk to these schools.

Pupils would be entitled to free home to school transport if they satisfy the Council's published criteria of its home to school transport policy. This means that children living more than 2 miles from their nearest appropriate school, or the nearest school with places available would be entitled to free home to school transport. In addition if the parental preference is for a voluntary aided or voluntary controlled church school on denominational grounds, and the parents live over 2 miles from the school, then the family will be entitled to free home to school transport.

Related Proposals.

17. A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

Not Applicable

Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15 of the EIA 2006, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
- (b) the availability, and likely cost to the local education authority, of transport to other schools;

- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- (d) any alternatives to the discontinuance of the school,

as required by section 15(4) of the EIA 2006.

Not Applicable

Maintained nursery schools

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children’s centre and the grounds for not doing so;
- (b) the local education authority’s assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

Not applicable

Special educational provision

20. Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

<p>The local authority believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for the children with special educational needs (“SEN”) currently at St John’s CEVC Infant School for the following reasons.</p>
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<p>Neighbouring schools will receive a larger overall budget for SEN, which will enable those schools to increase the standard, quality and range of their SEN provision. The consolidation of pupils at these other schools will enable resources to be used more flexibly. There will also be greater budgetary flexibility for schools to train their own teachers and support staff in developing expertise in various specialties and over time these schools will be able to use their resources more effectively to support early intervention. This will lead to a general improvement in SEN provision in the local area.</p>
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PUBLIC NOTICE TO CLOSE ST JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Medway Council, Gun Wharf, Dock Road, Chatham, Kent. ME4 4TR intends to discontinue ST JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL, 4 New Street, Chatham, ME4 6RH on 31 August 2010.

The proposal is to close St John's Church of England Voluntary Controlled Infant School in August 2010 and relocate pupils to neighbouring schools. This proposal is made in order to reduce surplus places and to ensure that the remaining provision in the area will be able to deliver efficient and effective education.

The Council confirms that all applicable statutory requirements to consult in relation to this proposal have been complied with.

All pupils attending St John's at the point of closure will be offered places at either St Michael's Catholic Primary, Hills Terrace, Chatham, ME4 6PX or Delce Infant and Nursery School, Fleet Road, Rochester, ME1 2QA. There are also vacancies in other Medway schools and the usual arrangements for responding to parental preferences will apply.

The Council believes this proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for the children with special educational needs ("SEN") currently attending St John's Church of England Voluntary Controlled Infant School as neighbouring schools will thereafter receive larger overall budgets to provide educational services to those children with SEN currently at the schools and those that were formerly attending St John's. These increased budgets will enable those neighbouring schools to increase the standard and improve the quality and range of SEN provision, in the local area. The consolidation of pupils with SEN at these schools will enable resources to be used more flexibly.

Because of the close proximity of alternative places available at neighbouring schools, the Council expects that the majority of pupils would still be able to walk to school. Pupils will be offered free travel if they satisfy the Council's criteria for free home to school transport.

This notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Chris McKenzie, Head of School Organisation

and Student Services, Children and Adults, Medway Council, Gun Wharf, Dock Road, Chatham ME4 4TR. Telephone 01634 334013 or at the following web address www.medway.gov.uk/mpsc

Any person may object to or make comments on this proposal by writing to Simon Trotter, Assistant Director Learning and Achievement, Children and Adults, Medway Council, Gun Wharf, Dock Road, Chatham ME4 4TR by 22 February 2010.

Comments submitted in response to the proposal published on 19 October 2009 in relation to the closure of St John's Church of England Voluntary Controlled Infant School will also be considered by the Council unless the Council is notified they are withdrawn.

Signed: Rose Collinson
Director of Children & Adults- learning and caring
Publication Date: 11 January 2010





St John's

CEVC Infant School

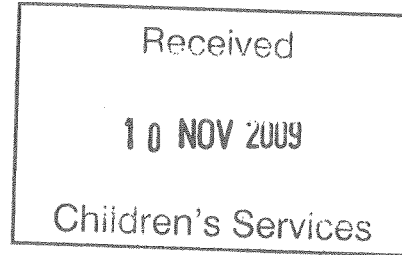
Headteacher: Mrs D Keating

4 New Street
Chatham
Kent
ME4 6RH

Tel: 01634 844135

Fax: 01634 819732

Email: office@stjohns.medway.sch.uk



04/11/09

Re: Objection to the statutory notice to close St John's CEVC Infant School

Dear Simon,

My head tells me that writing this letter is a complete waste of time because you and the Council have already made up your mind about the closure. It doesn't seem fair that the person hearing the objections has been instrumental in the proposal to close the school and therefore will be biased. However my heart tells me that I have to try to make one last appeal to try and save the school.

The statistics you have been using are out of date and whilst I appreciate that you needed to fix on a date (January 09), the current position needs to be taken notice of. We have 53 children in Year R and Year 1 who will need a place in September 2010. The nearest school, St Michael's RCP, only has places for Year R but as this is a Catholic school and we are Church of England, parents will not want this as an alternative. Also they do not have any Year 1 places. Delce Infants and Luton Infants might be able to take our pupils but both these schools are over 2 miles away and this is too far for a small child to walk twice a day. Parents would have to walk 8 miles a day, some with a toddler or a pram or a child at Balfour Juniors so a placement at either of these schools is not appropriate and the children would have to make yet another transition when they go to Junior School. Our nearest schools, Balfour Infants, New Road Primary and Greenvale Infants do not have **any** places.

Announcements in the media recently stated that the population in England is set to increase to 70 million, an increase of 10 million, most of whom will be in the south east. Therefore it stands to reason that more school places will be needed in Medway. It is very short sighted to close schools that will obviously be needed in the not too distant future. The Medway PCT recently said that the birth rate is rapidly rising in Medway so this is further evidence why school places will be needed.

We only have 16 surplus places at the moment and this would have been even less, if the school hadn't been blighted. We have taken on roll seven new children this academic year because there was nowhere else within walking distance for them to go. We are now full in Year 1 and only have 7 places left in year R.

In the public consultation nearly 2000 people wanted to keep the school open but their views were completely ignored (only 3 people agreed with the proposal), so I hope

Diocese of
Rochester



THE CHURCH
OF ENGLAND



Healthy Schools



Medway
COUNCIL
Serving You

that I am not being too cynical in thinking that my objection will also be dismissed. If it is, then I hope that in the future, when more school places are needed, especially in Chatham and there aren't any, you will remember this letter!

Yours sincerely,

A handwritten signature in cursive script that reads "DKeating". The signature is written in black ink and is positioned above the typed name.

Diana Keating
Headteacher

Dear Mr. Trotter,

Re. Public Notice to Close St. John's C of E Voluntary Controlled Infant School

We write as Governors of the school to record formal objection to the proposal to close St. John's Infants School as published on 16th October 2009.

The Public Notice

The public notice emphasises 'the close proximity of alternative places'. Much has been made of the number of surplus places across Medway. There is no doubt that there are surplus places but they are not in Chatham. The report from officers suggested that there were places in nearby schools for children who would be displaced by the closure of St. John's. The schools within manageable walking distance do not have any spare places. This has been confirmed by the schools concerned and by parents who have tried to find places for their children. Only recently, a parent came to the office whose eldest child was moving on to Balfour Junior next September. She wanted assurance that her youngest child would be able to go to Balfour as well. Not knowing to which school her child would be transferred to if St. John's closes, no such assurance could be given. Closing St. John's will cause considerable disruption to the lives of many families and create the new problem of finding suitable places for the 53 children currently in Reception and Year 1 as well as next year's Reception intake.

Parents are understandably concerned about the future of their children should the Council decide to close St. John's and many questions have not been answered satisfactorily. We were assured that the school admissions team would be able to place the children in suitable alternative schools. Since there are insufficient places in nearby schools, where are these suitable alternative schools? It has been suggested by officers that children from St. John's could transfer to St. Michael's. Do they not understand the differences between Anglican schools and Roman Catholic Schools or the statutory requirement to avoid reducing the proportion of denominational places? The Council also has the duty to ensure that pupils are not transferred to a school with a worse OFSTED assessment. Will they wait until all schools have been inspected using the new, more stringent OFSTED criteria before making any comparisons or transferring children to worse-performing schools? The report admits that not all parental choice can be guaranteed but it must surely be wrong to close a school without knowing to which schools the children will be transferred.

The public notice suggests that money saved by closing St. John's might help to improve SEN provision for its pupils. This suggests that current provision is wanting. The past two OFSTED inspections very clearly suggest the opposite. Chris McKenzie actually said in his email to Cllr. Esterson on 20th October that, although required to demonstrate how changes would improve SEN provision, "it is not, in this case, a reason for closure," thereby

admitting that a false justification was used on the public notice, in a cynical pretence to meet the required criteria.

The Cabinet Meetings

We feel that the Cabinet Meetings to consider this proposal were flawed and as a consequence the decision was not only unfair but unsafe.

We find it difficult to understand why two very similar schools with very similar circumstances were treated so differently. As stated by Les Wicks at the Council Meeting 12th November, "Cabinet decided to keep St. Peter's open because of this year's increased intake and their above national average results." St. John's has also had increased intake, despite the threat of closure, and achieves results above the national average. Much of the submission from St. John's representatives was dismissed by one Cabinet member, who stated that the recommendation for closure was prepared by professional officers and was therefore difficult to ignore. The same officers prepared the recommendation to close St. Peter's but Cabinet members felt able to ignore the identical recommendation. To put it simply, if St. Peter's is allowed to remain open then the circumstances of both schools are so similar that St. John's should stay open as well.

Although representatives from St. John's were able to contribute to the three Cabinet meetings that have taken place, they had no right of reply following discussion by Cabinet members. Members were able to have their say safe in the knowledge that their views could not be challenged. Had we been given the right of reply at these Cabinet meetings, some of the misconceptions could have been countered and the decision may have been different. It was also fairly obvious that Cabinet members took little notice of the presentations from St. John's representatives. The presentations raised many points for consideration but members made little reference to any of them in their well rehearsed discussion of the proposal on the table.

The parents' group produced an information pack for each Cabinet member but not one member referred to them during discussion. One Cabinet member admitted after the meeting that he had not had the time to read the content of the pack during the meeting. Surely it would have been possible for the Cabinet meeting to have been adjourned for a short while so that members could have acquainted themselves with the parents' submission.

At no time during the Cabinet meetings was there any declaration that members were subject to whipping. The members who contributed to the discussion of the proposal gave virtually the same prepared speeches at both Cabinet meetings. This suggests that discussion of the proposal went on in private before the public meeting and the decision to close St. John's had already been taken. This was more or less confirmed by one Cabinet member after the second Cabinet meeting.

Misconceptions

We feel that it is important to refute some of the misconceptions that seemed to inform the Cabinet's original decision.

- It was stated at the first Cabinet Meeting that key members of the teaching staff were retiring at the end of this academic year. To date no resignations have been handed in and each of the teachers concerned could continue teaching for another five years. Indeed, small schools with younger teachers could also experience a sudden loss of key staff if they left for promotion elsewhere or other reasons.
- Cabinet members were under the impression that The Diocese had agreed with the proposal to close St. Johns. This was not true. The Diocese had, in fact decided not to oppose the closure. This is not the same thing. At the Overview & Scrutiny Committee meeting two Conservative members abstained from the vote on the motion to refer the decision on St. John's back to Cabinet. They did not vote against the motion.
- It was suggested that the building occupied by St. John's was not fit for the 21st Century. It meets all Health and Safety requirements. Classrooms are warm in winter, cool in summer, sufficiently large to meet the space requirements and well-equipped with computers, interactive whiteboards and other technological devices demanded by the modern curriculum.
- St. John's does not have, nor can have provision for nursery education. While true that there is no room for nursery provision on site, this is not as great a problem as the report from officers would have us believe. Two local pre-school groups within the DCSF recommended 3-minute walk have formal links with St. John's and not all parents want pre-school provision for their children.
- The number of surplus places at St. John's figured prominently in the Cabinet debate and Report. However, pupil numbers are in a healthy state, better than at some schools not proposed for closure. The low number of pupils (14) starting in 2007 was given considerable emphasis by officers and members but this was a 'glitch' year also experienced by other schools. Numbers soon recovered and are higher even this year when the school was blighted by the closure announcement given out by Medway Council staff to prospective parents. We would emphasise that there is no long-term downward trend in pupil numbers. Despite the threat of closure, we currently have 74 on roll, which equates to just 16 surplus places. This would hardly solve Medway's surplus places problem if the school were to close.
- The Council has claimed it has been forced by central government to cut surplus places. However, Gordon Brown personally told the headmistress on 12th November (quoted in KM 16th November) that "There is no directive from central government to close schools" and that "The Council has a duty to consult parents and obviously should listen to the parents." DCSF guidelines do not call for closure of schools except where 25% places are unfilled and standards are low compared with other local schools. However, standards at St. John's are above both Medway and national average. This is acknowledged in the officer report.

The School and the Area it Serves

We would like to concentrate on some features of St. Johns that were perhaps not given sufficient prominence in the discussion leading to the Cabinet decision.

- St. John's is a Faith school. There are no alternative Faith schools nearby. The very nature of St. John's as a Faith school implies a strong link with the local church which provides outreach workers who are closely involved with the daily life of the school.
- St. John's is an important asset to the community it serves. It is like a village school but the 'village' it serves is surrounded by bricks and mortar, concrete and tarmac rather than green fields. To close St. John's will do major harm to the children currently there and will do little to improve education in Medway as a whole.
- Chatham Central is a deprived area with high unemployment and a high level of family migration. Parents choose St. John's because they believe their children will learn in a relatively stress free environment.
- St. John's is a small and caring school. Parents involved in the campaign to keep St. John's open tell of many members of the public who have not only expressed their support but have stated that they would prefer their own children to have gone to a small school because of the family atmosphere which allows all of the staff to know individual children.
- St. John's encourages cultural diversity. The children who attend St. John's come from a widely diverse cultural background, currently 26.4%, of children from an Asian family background and 23.6% from other non-English backgrounds. The school has been praised by both OFSTED and Diocesan inspectors for its inclusive ethos and its provision for non-English speaking pupils, who achieve particularly well because of the targeted support they receive. Considerable support for the campaign to keep St. John's open has come from the local Muslim community who are more than happy for their children to attend the school.
- St. John's is a successful school. This was the conclusion of the OFSTED inspection of 2.5 years ago and the most recent inspection undertaken under the new criteria.
- St. John's is a popular school. Even with Medway Council's best efforts to dissuade parents from enrolling, 23 children are in the reception class this year. If school roll was a criterion for closure, there are other schools that could be considered for closure before St. John's.
- St. John's operates within its budget. Sound Financial control means that there is not a budget overspend.
- The surplus places at St. John's together with its ethos and the skills of the staff have given the Authority reason to be grateful in the past, as the school has been able to accept, and successfully deal with, children who have proved to be difficult in other, usually larger, schools.
- One reason for closure suggested in the report is that standards at the school might drop if a weak head or teacher is appointed. That does not inspire much confidence in the Authority's appointments process. There are also concerns about what will happen to staff. Once upon a time people worked for the LEA and could easily be transferred

to other schools. Now with Local Management that does not happen so easily, if at all. Some staff will lose their jobs.

All through Schools

Council officers seem determined to move towards 'all through' primary schools, regardless of parents' wishes. There was much emphasis on the benefits of 'all through' Primary schools and the reduction of transitions lauded by the 'Rose Report' but there is neither legislation to enforce this nor any pressure from government. Although the initial officer report uses phrases like 'there may be better progress' with fewer transitions,' this has yet to be proven. However, if St. John's closes, most of its pupils will be condemned to further transitions when they have to transfer to other schools from years R and 1. How will the education of these children be protected from the supposed ill effects of extra transitions and the additional stress of separation from their classmates?

St. John's works very closely with Balfour Junior School to ease transition and parents and students are happy with this system as it is. The government's aim is "to create a school system shaped by parents." Reducing the number of transitions is not a priority for parents in this area and not a sound argument for closing an infant school.

The Public Consultation

We are led to believe that the recent consultation process prompted an unprecedented level of response from members of the public. The figure quoted is 1981 responses specific to St. John's. We believe that major decisions on a recent major development were taken on the basis of about 80 responses. According to the table of responses by category in the report, there were 6280 individual comments, which suggests that each respondent gave several reasons against closure. Of all the responses received, only 3 were in favour of the proposal to close the school and no reasons were given. Many of the comments have not received a satisfactory response from officers and we would highlight that the comment 'saving money should not be used to justify closing a good school' received no response at all.

Finance

Much of the report is about the financial advantages of closing St. John's so it is clear that the reasoning behind the recommendation for closure is mainly financial. This was not the main argument presented during the public consultation process. Closing St. John's will certainly save money in the long term but is the amount to be saved worth the closure of a much loved school and all the disruption and stress to children who may be displaced to worse performing schools?

The potential saving suggested in the report is £68,760 (just 0.03% of the education budget), not much when distributed between all the schools in Medway. How many years will it take for these savings even to be noticed, bearing in mind costs already incurred by the consultation process and future costs like redundancy payments to staff and officer

time spent finding alternative places for displaced pupils and alternative employment for redundant staff? Both of these last two have been promised.

Is it worth closing a good school for what will amount to little more than small change?

Future Education Provision

Although money saved could be reinvested in education in Medway in the long-term, there remain serious questions over the education of children in Chatham in the medium term.

We were told that 'actual birth data' and 'latest planned housing data' were used to forecast likely student numbers for the next five years.

We were told that such analysis indicated there would be sufficient places to meet need.

We were told that the actual birth data would be made available.

We were told that the statistics on which forecasts were based were firmly and properly researched and considered.

None of this evidence has, to our knowledge, been made available.

An informed decision about closing a school in Chatham cannot be made without seeing up-to-date data showing the impact on Chatham residents. The projected pupil numbers relate to Medway as a whole but Chatham has the lowest number of surplus places in Medway. The latest birth data from the Health Authority shows a projected increase in the population of Chatham, especially the ME4 area around St. John's. So there is likely to be a future deficit, not a surplus of primary school places in the area, even without the planned new housing, none of which has been cancelled according to Councillor Mrs Chitty.

Conclusion

There is a general consensus that St John's Infant's is a good school that 'works well'

Its children are happy at school and want to learn.

They will not understand why they might have to go to another school where they may not know anyone and maybe suffer stress.

They will not understand why they cannot go to school with their friends anymore.

They will not understand why they have to get up earlier and walk further to a strange school.

They will not understand why they have to wear a different school uniform.

Their parents will not understand why they can't get their first or second choice and have to send their children to schools they have not chosen.

They will however understand who has caused all of the upheaval and stress in their lives.

Governors' responses to arguments raised in the Cabinet Report 15th December 2009

Excerpts from Cabinet Report 15 th December 2009	Governors' responses
<p><u>Availability of alternative places</u> Respondent comments 3.4 Respondents commented on the arrangements for finding other school places for pupils currently attending St. John's Infant school, noting that schools in the immediate vicinity appeared to be full, have few surplus places, are of a different character or have lower standards. In addition, concern was raised that families who may have older children who attend Balfour Juniors may find it difficult to drop children off at a school which is further away.</p> <p>Officer response 3.5 Whilst some schools in the immediate vicinity are full or only have limited spaces, there are other schools within a reasonable distance that do have spaces available.</p> <p>3.6 If the decision to close St John's is taken, then all parents with children currently attending the school would be asked to submit their preferences for school places. The Council would then work with families to place children in suitable alternative schools.</p> <p><u>School place forecasts</u> Respondent comments 3.7 Respondents put forward the view that the Council may have underestimated the demand for school places in future years.</p>	<p>3.5 The new Statutory notice (11th Jan 2010) identifies St. Michael's RC Primary and Delce Infants as able to accommodate all pupils displaced from St. John's. However, transferring to Delce Infants would add 2.8 miles to their round trip to and from school and present an impossible task to those with siblings at different schools. St. Michael's has no spaces for current Yr 1 pupils and is a Roman Catholic school with a very different attitude to other religions. There are only 2 spaces for current Yr R and Yr 1 pupils in Church of England Schools within 12 miles of St. John's Infants.</p> <p>3.6 Officers accept that preferences cannot be guaranteed and there are insufficient places in local Chatham schools and there is the risk that some children will be forced into schools their parents would not choose.</p>

3.8 Some respondents including the headteacher at St. John's put forward the view that surplus places within the school were actually reducing.

Officer response

3.9 St. John's currently has a high number of surplus places. In January 2009 the percentage of surplus places was 27 per cent which exceeded the level considered acceptable by the DCSF (25%). The percentage of surplus places has since reduced to 19 per cent since September. What this highlights is how a fairly small change in numbers, in this case an increase in 7 pupils can have a significant impact on the proportion of surplus place. A small drop in numbers in a single year group can therefore have a disproportionate effect on the total number of pupils at the school, with serious consequences for the funding it receives and its viability. We accept therefore the point that surplus places have reduced; however, because of its small size, the school is vulnerable to the impact of future changes in roll numbers.

3.10 The estimation of future numbers takes into account birth figures for the area, information about future housing developments and historical data on migration in the area.

3.11 Although it is estimated that pupil numbers will grow over the next few years in the Chatham area, the number of places that will be available, even with the closure of St. John's is expected to meet this demand, with some places still remaining unfilled.

3.12 The overall percentage of surplus places in the Chatham area, in which the school is situated, at the time of the last school census in January 2009, was **9.5 per cent**. There are no major housing developments planned in Chatham that are likely to impact on pupil numbers at St. John's or neighbouring schools.

3.9 The Council has persisted in using outdated figures to justify closure of the school, which currently has less than 19% surplus places and has increased its total roll by 12% this year despite the blight of possible closure. The school has survived a temporary drop in numbers without an adverse effect on pupils or finances and the closure of a school with only 17 surplus places will have very little impact on the percentage of surplus places in Medway as a whole. Medway is a very diverse area: Because of the level of deprivation in the area around St. Johns, the availability of school places in Chatham needs to be considered independently of Medway as a whole.

3.10 This is a very vague statement, which does not define the area under consideration (Chatham or Medway as a whole). We have repeatedly requested the data on which these predictions are based and it has not been provided.

3.11 Birth figures (Medway PCT) for the ME4 area of Chatham have increased faster than Medway as a whole since 2004 and predict the requirement of 14.5% more Yr R places in 2012 compared with 2008.

3.12 9.5% is well below the average percentage of surplus places in Medway (currently 12.6%). The surplus places are predominantly outside Chatham and will not benefit children displaced from St. John's.

Change unsettling for those pupils currently attending the school**Respondent comments**

3.13 Respondents put forward the view that the transfer of pupils from St. John's to other schools represents an additional, unnecessary transition, which may affect pupils.

Officer response

3.14 Officers will work carefully with families and other local schools to ensure that the transfer of pupils to other schools is effectively managed and well supported.

Standards at the school are good**Respondent comments**

3.15 Many respondents highlighted the high standards achieved by the school, and felt that for this reason the school should remain open.

Officer response

3.16 The most recent OfSTED report (September 2009) judged the school to be satisfactory in relation to its overall effectiveness and capacity for sustained improvement. The report states that, *"Pupils join the school with skills which vary but which are generally below those expected nationally. By the time they leave at the end of Key Stage 1, standards are broadly average. Over the two key stages the rate of progress varies. All pupils make a good start in the Reception class and continue to make good progress in reading throughout Key Stage 1. However, progress in writing and mathematics slows and too few pupils achieve well for their age in both subjects. As a result, overall progress is satisfactory rather than good."*

3.13 Officers have repeatedly claimed that reducing transitions benefits children but seem happy to impose the disruption of an extra transition within KS1.

3.14 Parents need more than a vague assurance of future assistance. No detailed information on this process has been made available to parents yet, particularly regarding the support to be given if transfer is not successful.

3.16 Given the location of the school in an area accepted to be among the most deprived in Kent and the low baseline of the Reception intake, the progress made by pupils (especially by the high proportion with learning difficulties or with English as an additional language) represents a considerable achievement by the school and was commended by OfSTED inspectors in Feb 2007 as well as Sept 2009. The Sept 2009 inspection followed SATs testing of the unusually small cohort who started school in 2006 and would not be statistically expected to contain many pupils achieving "well" for their age in 2 subjects. Inspectors still gave "good" judgements in nearly twice as many categories as "satisfactory" but under the new OfSTED criteria, these are not reflected in the overall grade.

3.17 St John's also has significant surplus places: the intake of only 14 pupils in 2007 illustrates how such reduced recruitment can have a disproportionate effect on the total number of pupils at the school, with serious consequences for the funding it receives and its viability.

Consultation process

Respondent comments

3.18 The majority of respondents to the consultation objected to the closure. Respondents wished to know why these views were not listened to.

Officer response

3.19 The consultation process gave all interested parties the opportunity to put forward their views and to offer alternative proposals.

3.20 In the report to Cabinet on 17 September 2009, officers clearly set out the results of the consultation, which included a summary of the number of responses received and the number in support of, and opposed to the proposal. Officers also summarised the main points raised during consultation, including any alternative proposals, and presented additional information, to allow Cabinet to make a decision based on all of the available evidence. The views of respondents were listened to, however on balance, Cabinet agreed with the officer recommendation to close St. John's School.

Quality of education and other provision

Respondent comments

3.21 A number of respondents argued that the school was valued because of the quality of teaching at the school. Many said that children were well cared for by the school and that the school provided a safe, caring environment for children.

3.22 Respondents argued that, although the school does not have its own

3.17 It was the Sept 2006 intake which was abnormally low. This did not have an adverse effect on standards at the school, despite the drop in funding received: OfSTED inspection in Feb 2007 judged the school "good" in all categories and "outstanding" in the sub-category "*how well learners enjoy their education.*"

3.19 Cabinet failed to discuss any of these alternative proposals prior to their single vote on 17th Sept to close 2 of the 3 schools under consideration. Furthermore, representatives of the schools had no right of reply in the Cabinet discussion following their presentations.

3.20 As pointed out in our letter objecting to the previous Statutory notice, the Report to Cabinet contained a number of misconceptions relating to:

- Retirement of staff
- Diocesan "support" of closure
- Suitability of buildings
- Nursery provision
- Surplus places in Chatham
- Central Government directive to close schools

Thus, Cabinet members were unable to make a fully informed and balanced decision.

nursery, it has good links with other local providers. Several respondents also mentioned the school's strong community links.

3.23 Some respondents were concerned that the formal proposal made reference to the way in which the proposal would improve the quality of SEN provision, but this was not given as a reason for closure in the Cabinet report from 17 September 2009.

Officer response

3.24 The school's most recent OfSTED report (September 2009) states that St John's provides a satisfactory standard of education, and that, *"pupils feel valued and safe"*. However this is also true of many other schools in Medway, including alternative schools in the local area. It is the view of officers that alternative schools will not only provide a standard of teaching at least as good as St. John's, but also a good level of pastoral care. The last OfSTED report for Delce Infant school in October 2007, for example, says, *"Children's personal development is outstanding because of the excellent care that they are given."* The OfSTED report for St Michaels RC Primary school in May 2009 says, *"pupils feel secure and want to come to school. Their personal development and well-being are good, nurtured by good quality pastoral care."*

3.25 Whilst St. John's may have good links with local nurseries, this still represents a transition for pupils midway through the foundation stage of learning. The site is very restricted with no opportunity for significant development or expansion. The school does not have a nursery and there is no space to develop one. The Council aims to continue to expand the proportion of schools offering an integrated Foundation

3.24 The "satisfactory" OfSTED grading (Sept 2009) is not a valid basis for comparison with other primary schools, which have yet to be inspected using the new and more stringent OfSTED criteria. Inspectors gave "good" judgements in nearly twice as many categories as "satisfactory" but under the new criteria, these are not reflected in the overall grade. They also noted that *"pupils enjoy a broad curriculum and the school makes good use of partnerships with the church and the wider local community to develop good understanding of cultural diversity and to bring in external expertise."* Our previous OfSTED report (Feb 2007) graded the school "good" in all categories. Both inspections praised provision for children with learning difficulties or English as an additional language. St. Michael's received a "Satisfactory" grading in May 2009 but was criticised by OfSTED for insufficient pace and challenge in lessons and not providing pupils with *"a full insight into life in multi-faith, modern Britain."* Although Delce Infants was graded "Good" by OfSTED in Oct.2007, it is likely to be disrupted by merging in 2012 with Delce Junior School, which, although graded "satisfactory" in May 2007, was previously given notice to improve.

3.25 Since parents are happy with the existing close relationships with local nurseries, this is no reason for closing the school.

Stage of learning from the age of three.

3.26 It is a statutory requirement for the LA to include within the statutory notice of closure details of how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and range of educational provision for children with special educational needs (SEN). Whilst we are required to demonstrate how the arrangements are likely to lead to improvements, **it is not, in this case, a reason for closure.** Our reasons for closure are those that were reported to Cabinet on 17 September 2009 and are summarised in section 7 of this report. We are not suggesting that St. John's has any issues with the provision of SEN; however by closing St. John's, neighbouring schools will have larger overall budgets for SEN provision and these increased budgets will enable those schools to increase the standard, quality and range of their SEN provision.

Headteacher, governor and diocese responses

3.27 The diocese formally recorded in the minutes of their board meeting on 14 July 2009 that they do not oppose the closure. In their letter shown as appendix E, the Diocesan Director of Education has explained that the Diocese takes the view that decisions on the number of spaces required are the responsibility of the local authority. Some additional points have been raised by the diocese in this letter, which are reflected in the points shown below.

3.28 In addition to the points raised by respondents, which are summarised above, the headteacher and governing body have written objecting to the proposal and have made a number of additional points. Their responses are shown in appendices C and D. The main points raised, which have not been covered earlier in this report, and the officer responses are detailed below.

3.29 Point 1: Availability of alternative places. This has been answered in paragraphs 3.5 to 3.6 above.

3.26 If improvements to SEN provision “*are not, in this case, a reason for closure,*” they should not be among the reasons for closure summarised on the statutory notices published 16th Oct 2009 and 11th Jan 2010. In fact, OfSTED inspectors in Feb 2007 and Sept 2009 both commended the school for the “*particularly good progress*” made by pupils with learning difficulties and at early stages of learning English, who “*make good progress in their learning and confidence because of the well-organised and effective additional help they receive.*”

3.27 Cabinet members had been led to believe, prior to making their decision on 17th Sept 2009, that the Diocese actively supported the closure of the school, whereas their position was rather that they did not then actively oppose closure, as they have now decided to do.

3.30 Point 2: Differential treatment of St Peter's by Cabinet despite both schools having very similar circumstances. The reasons given by Cabinet for keeping St Peter's School open were:

- This year's increased intake and above national average results at the School
- Prospects for maintaining high standards at the school are good

The size of the school buildings and space onsite.

If we take each of these points in turn and compare St. John's:

- St. John's intake for 2009 has dropped slightly from the previous 2 years, although is higher than the intake for 2007, when only 14 pupils were admitted. Standards at St. John's are also above the national average.
- St. John's is smaller in size than St Peter's, with only 72 pupils on roll at the time of the October 2009 census compared to 86 at St Peter's. The smaller size of St. John's means that it is more vulnerable to the impact of changes to its intake and any resulting reduction in budget.
- The site at St. John's is much smaller than St Peter's and it would not be possible to provide a nursery. St Peter's however, has a slightly larger site and could reduce its PAN to 30 and as a result accommodate a nursery.

3.31 Point 3: That it had been suggested that key staff would be retiring at the end of the academic year. This was not necessarily the case. The report to Cabinet on 17 September 2009 refers to the OfSTED report on small schools which notes the potential impact of a weak teacher or head teacher, which can trigger a downward spiral affecting standards and morale in a small school. There was no suggestion in the report that any staff are about to retire or that any staff currently at the school are weak.

3.32 Point 4: That the diocese had agreed not to oppose the closure, which is different from agreeing to support the closure. Officers

3.30 Similarities between St. John's and St. Peter's

- St. John's has also seen increased intake and has above national average results.
- This applies equally to St. John's

- Increased intake in 2009 has resulted in an overall 12% increase in pupils on roll despite the threat of closure. The LEA document "Outcome of the Consultation" section 2.11 states that "*standards in English and maths are generally above the Medway and National average.*"

- This is an insignificant difference in size.

- Parents are happy with the current provision of nurseries linked to St. John's.

3.31 A Cabinet member publicly referred to the imminent retirement of key members of teaching staff, none of whom have indicated any intention to retire. Does the Council's concern indicate that its procedures could result in the appointment of a weak member of staff?

accept that the diocese position is that they do not oppose the closure.

3.33 Point 5: The suggestion that the building is not suitable for 21st Century learning is not true. Whilst officers accept that the school is well maintained and in good condition for its age, the size of the school building and the restrictions placed on it by the site, mean that it cannot be significantly developed. Because of the age of the school, maintenance costs will continue to rise over time.

3.34 Point 6: While true that there is no nursery provision on site, this is not a problem. The Council aims to continue to expand the proportion of schools offering an integrated Foundation Stage of learning from the age of three so officers believe that this remains a problem.

3.35 Point 7: Surplus places have reduced with only 17 spare places out of 90. The low intake of only 14 pupils in 2007 shows how vulnerable the school is to sudden changes in intake which can have serious consequences for the funding it receives and its viability. Whilst numbers may have risen, a smaller intake in any future year could significantly affect the viability of the school. Even with this number of surplus places, the school only has 73 pupils on roll. Where a school is small and has a high proportion of surplus places, the budget becomes particularly difficult to manage with less opportunity for the school to invest in raising achievement. Primary schools with between 80 and 100 pupils cost 16% more per pupil than larger schools.

3.36 Point 8: There is no directive from central government to close schools. Whilst it is true that there is no such directive, a clear plan to address surplus capacity in Medway was necessary to secure government approval of the Medway Primary Strategy for Change.

3.37 Point 9: There are no alternative Faith schools nearby. There are a number of alternative Faith schools in Medway, and whilst there will be an impact from closure on the balance of denominational provision this will be small and short term. In 2007 the council reorganised St Matthews Infant school (VC CofE) and Borstal Manor Junior school (Community School) into The Pilgrim school (VC CofE). This increased

3.33 Maintenance costs will rise with any building. St. John's has been extensively modernised and well resourced without incurring a budget deficit

3.34 As noted above (paras 3.25 and 3.30), parents are happy with current arrangements.

3.35 The Council persists in emphasising the low intake in 2007 (Actually Sept 2006). Since then there has been a sustained increase, despite the blight of threatened closure.

3.36. Most surplus places are not in Chatham and the closure of a school with 17 surplus places will have little impact on the percentage of surplus places in Medway. There is no directive from central government to close any school unless it has poor standards as well as falling rolls.

3.37 The proposal to establish a new Church of England VC primary school in Strood has been cancelled and would not, in any case have provided C of E places within walking distance of the homes of St. John's pupils. Closing St. John's Infants would remove this element of parental choice, since there are only 2 spaces for current

the proportion of denominational places. The separate proposal to establish a new Church of England VC primary school in Strood could more than restore the number of denominational places lost through the closure of St. John's, if that proposal were to proceed.

3.38 Point 10: St. John's encourages cultural diversity. This is true, but so do all other schools in Medway. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.

3.39 Point 11: St. John's operates within its budget. St. John's receives additional resources through Medway's school funding formula, which inevitably leads to a reduction in funding to others. Officers accept that St. John's manage their budget well.

3.40 Point 12: Some staff will lose their jobs. For the staff currently at the school there is a risk of redundancy. However the Council will work with the staff concerned and with other schools to make other posts available and to maximise the opportunities for redeployment.

3.41 Point 13: Reducing the number of transitions is not a priority for parents in this area and not a sound argument for closing an Infant school. The independent review of the primary curriculum, published in 2009, commissioned by DCSF and carried out by Sir Jim Rose, identifies the management of transfer from one phase to the next as a key issue in children's achievement. As well as the Rose report, other independent research recommends a removal of transition between infant and junior schools. The Cambridge Review of the Primary Curriculum which was recently published recommends that the Key Stage 1/2 division should be replaced by a single primary phase, yielding a seamless journey through Foundation (0-6) and Primary (6-11). It follows that the removal of such transitions is likely to improve outcomes for children. We are therefore working to reduce the number

Yr R and Yr 1 pupils in Church of England Schools within 12 miles of St. John's. The Pilgrim school is 2.37 miles from St. John's and has no available spaces for current Yr R and Yr 1 pupils.

3.38 St Michael's RC Primary was criticised by OfSTED in May 2009 for not providing pupils with "*a full insight into life in multi-faith, modern Britain*" whereas St. John's was praised by OfSTED in Feb 2007 and Sept 2009 for the "*broad curriculum and the good use of partnerships with the church and the wider local community to develop good understanding of cultural diversity*" and the "*excellent relationships between pupils of different ages and diverse cultures.*" Pupils at early stages of learning English "*make good progress in their learning and confidence because of the well-organised and effective additional help they receive.*"

3.40 Under Local Management, redeployment is not guaranteed.

3.41 Officers have repeatedly claimed that reducing transitions benefits children but seem happy to impose the disruption of an extra transition within KS1.

of transition points in a child's educational career.

3.42 Point 14: Is it worth closing a small school for a small financial benefit. The closure of St. John's would provide a minimum of £68,760 for re-investment across other Medway schools on an on-gong basis. A further annual saving of £16,330 could be available depending on a decision about the use of the building and grounds. The total potentially available for reinvestment in the Schools Budget is therefore £85,090.

3.42 The money saved amounts to about 0.03% of the total Medway education budget and is not ring-fenced for reinvestment in the Chatham area. This does not represent value for money considering the impact of closure on the education of current and future children in central Chatham. The building and grounds are in any case the property of the Diocese.

To: Simon Trotter,
Assistant Director Learning and Achievement,
Children and Adults,
Medway Council,
Gun Wharf, Dock Road,
Chatham ME4 4TR

From:
Governors of St. John's CEVC Infant School,
4 New Street,
Chatham,
Kent. ME4 6RH

19th February 2010.

Dear Mr Trotter,

We, the governors of St. John's CEVC Infant School, write to object to the Statutory Notice published 11th Jan 2010, since this has exactly the same effect on the school as the previous Statutory Notice, published 16th Oct. 2009, our previous objections to the closure of the school and to the consultation process still apply, as summarised in our previous letter to you (Nov 09). We feel that nothing is to be gained by imposing a new consultation period without providing any new options to consult on. Extending the period of uncertainty over the future of the school beyond the time for allocating next year's places is in the interests of neither the staff, parents nor children at the school and shows a callous disregard for the welfare of children in Medway, whom the Council claims to serve. We comment below on some details of the new statutory notice and have also attached a document in which we counter some of the Council Officers' responses to objections raised during the consultation process, as detailed in the Cabinet Report of 15th December 2009.

The cancellation of the merger of St. Nicholas and All Faiths Schools in Strood makes no difference to the valid concerns parents have already expressed at the absence of appropriate alternative school places within practical walking distance of the homes of pupils who will be displaced by the closure of St. John's. The new Statutory Notice names St. Michael's RC Primary and Delce Infants as schools able to accommodate all pupils displaced from St. John's. However, these are not appropriate alternatives for several reasons: Most pupils at St. John's walk to school, many parents do not have the use of a car and many live in the opposite direction from Delce Infants. This means transferring to Delce Infants would add 2.8 miles to their round trip to and from school and present an impossible task to those with other children at different schools. Although Delce Infants was graded "Good" by OfSTED in Oct.2007, it is likely to be disrupted by merging in 2012 with Delce Junior School, which, although graded "satisfactory" in May 2007, had previously been under notice to improve. Many parents (of diverse religions or none at all) choose St. John's because of its caring and inclusive ethos, which is linked to its Church of England affiliation. Closing St. John's Infants would remove this element of parental choice, since there are only 2 spaces for current Yr R and Yr 1 pupils in Church of England Schools within 12 miles. Although St. Michael's is much closer to St. John's than Delce Infants, it has no spaces for current Yr 1 pupils and is a Roman Catholic Voluntary Aided school with a very different attitude to other religions. It received a "Satisfactory" grading in May 2009 but was criticised by OfSTED for failing to meet the needs of all learners, particularly those with English as an additional language, or to provide pupils with "*a full insight into life in multi-faith, modern Britain.*" Neither of these criticisms applies to St. John's, which was praised by OfSTED inspectors both in Feb 2007 and Sept 2009 for the "*particularly good progress*" made by pupils with learning difficulties and at early stages of learning English, who "*make good progress in their learning and confidence because of the well-organised and effective additional help they receive.*" In view of these comments, it is particularly reprehensible that this statutory notice, like the previous one, justifies the proposal to close the school as "*likely to lead to improvements in the standard, quality and/or range of the educational provision for the children with special educational needs currently attending St John's.*" If, as conceded by the Cabinet Report of 15th December 2009 (para. 3.26), improvements to SEN provision "*are not, in this case, a reason for closure,*" they should not be among the reasons for closure highlighted in the summaries of the statutory notices published 16th Oct 2009 and 11th Jan 2010.

We would also like to note our response to the following sections of the full Statutory Notice:

Annex A Para 6: Standards, diversity and quality of education in the area

Statements in Statutory Notice 11 th Jan 2010	Response of Governors
St John's roll has fallen in recent years and, in January 2009, the school had 26.7 % surplus places and is forecast to have 16.7 % surplus places in 2014. The number of children on roll at January 2009 was 66 when the capacity of the school is 90. Having a large proportion of surplus places in a school means that the school is not viable.	St. John's roll does <u>not</u> show a long-term downward trend and is currently 73, an increase of 12% this year, despite the threat of closure. We have yet to see accurate, local data which explains this prediction of 16.7% surplus places in 2014. Indeed, birth figures for the ME4 area of Chatham have increased even faster than for Medway as a whole and would predict a future deficit of places, even without the possibility of new housing development.

<p>Low numbers may affect a school's ability to deliver effective education to its children.This can cause instability and affect pupils' achievement.</p> <p>Supporting all schools in the area, without addressing the number of surplus places will tie up resources and lead to a potential negative effect on standards for those schools, like St John's, where the level of unfilled places is high. Therefore the proposed closure of St John's will have a positive impact on standards.</p> <p>Closure of St John's primary school and the relocation of pupils to other schools in the area, will improve the quality of education available to pupils in the area.</p>	<p>Chatham already has fewer surplus places than the rest of Medway and closing St. John's will inevitably displace pupils to more distant schools, causing hardship by increasing journey times in a deprived area where many parents do not have the use of a car. The low roll in Jan 2009 was due to an abnormally low reception intake (also experienced by other schools) in Sept. 2006. This did not adversely affect standards at the school, as shown by our "good" OfSTED grading in Feb. 2007. The "satisfactory" OfSTED grading in Sept. 2009 reflects a recent change in OfSTED criteria (which have yet to be applied to other primary schools) and their difficulty measuring the progress of this abnormally small cohort of pupils. On the whole, "<i>standards in English and maths are generally above the Medway and National average</i>" (LEA document "Outcome of the Consultation" section 2.11). There is no central government directive to close any school unless it has <u>both</u> falling rolls and low standards. St. John's has consistently achieved high standards without incurring a budget deficit.</p>
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Annex A Para 8: Need for places in the area and capacity to accommodate displaced pupils

Statements in Statutory Notice 11 th Jan 2010	Response of Governors
<p>The number of children of primary school age has been falling locally and nationally in recent years and Medway primary age schools have seen a 10% decrease in pupil numbers between 2003 and 2009. Overall birth numbers in Medway are beginning to increase. As a result of this increase our forecasts show that while pupil numbers will increase in 2013/14, this will only represent an increase of around 2% and will leave a high proportion of surplus places in some areas.</p> <p>The overall proportion of surplus places in Medway primary schools in July 2008 was 11.57%. This proportion of surplus places has increased to 12.6% based on January 2009 (Census) data. The overall percentage of surplus places in the Chatham area in January 2009 was 9.5%. Our forecasts, taking into account the latest birth rate data, shows that if the current number of school places were to remain, then in 2014 there will still be 5.0 per cent surplus places.</p> <p>The majority of pupils currently attending St John's could be allocated a place at St Michael's Catholic Primary, which is the nearest school to St John's, or Delce Infant school, which is an acceptable walking distance from St John's. A number of other schools in Chatham and in neighbouring areas also have places available.</p>	<p>Birth numbers have increased faster in the ME4 area of Chatham than for Medway as a whole and would predict a future deficit of Reception places by 2012, even without planned housing developments.</p> <p>Chatham already has fewer surplus places than the rest of Medway and any remaining surplus places in 2013/14 will not be in Chatham and will not benefit pupils displaced from St. John's. Closing a school with 17 surplus places will make very little difference to the overall percentage of surplus places in Medway. We suggest that the Council deal instead with the problem in the areas with higher numbers of surplus places than Chatham.</p> <p>Transferring to Delce Infants will add 2.8 miles to the round trip for pupils living on the other side of St. John's. St. Michael's is a Roman Catholic Primary school with a very different ethos from St. John's. Parents of pupils at St. John's have chosen a Church of England school, but there are only 2 places for current YrR and Yr 1 pupils in C of E schools within 12 miles of St. John's.</p>

Annex A Para 9: Impact of proposed closure on the balance of denominational provision in the area and on parental choice.

Statements in Statutory Notice 11 th Jan 2010	Response of Governors
<p>There will be an impact on the balance of denominational provision but this will be small. Church of England places currently account for 8.83% of overall primary school places. Closing St John's Infant School would reduce that proportion to 8.56%, which represents a decrease in the balance of denominational provision of less than half of one per cent.</p> <p>In September 2007 the Council reorganised St Matthews Infant school (VC CofE) and Borstal Manor Junior school (Community School) into The Pilgrim school (VC CofE) which is close to St John's (2.37 miles). The amalgamation created 66 additional Church of England places in Medway Primary Schools.</p> <p>A new Church Of England Academy with 8 forms of entry for students aged 11-19 will open in Medway in September 2010. This will significantly increase the overall balance of denominational provision in Medway. Although the overall proportion of Church of England places reduces slightly, the overall balance of denominational places is set to increase from 4.58% to 7.79% as a result of an increase in secondary school Church of England places that will take effect from September 2010 upon the opening of the new Church of England Academy.</p> <p>The Council considers that despite the slight reduction in primary school places caused by the proposed closure of St John's, parental choice will not be affected as there will be sufficient places in other C of E schools in the area to accommodate displaced pupils.</p>	<p>The tables given are misleading, as they don't show the effect of closing St. John's in isolation: Total (Primary age) net capacity would decrease from 23856 to 23766, while C of E net capacity would decrease from 2106 to 2016. Thus the percentage of C of E places would decrease from 8.83% to 8.48% ie.a decrease of 0.35% It is however disingenuous to express the decrease in the balance of denominational provision as a percentage of the total number of primary places in Medway. It could more meaningfully be expressed as the loss of 4.3% of the total primary C of E net capacity in Medway (or 22% of the primary C of E net capacity in the ME4 area).</p> <p>The Pilgrim School (2.37 miles) is <u>not</u> within walking distance and has no available spaces for the pupils who would be displaced from St. John's.</p> <p>The Church of England Academy does not affect primary C of E provision and should be irrelevant to deciding the future of a primary school.</p> <p>Parental choice <u>will</u> be affected, because there are only 2 current Yr R/ Yr1 places in other Church of England schools nearer than Grain and none within walking distance of St. John's.</p>

Annex A Para 10: Current School Information

Statements in Statutory Notice 11 th Jan 2010	Response of Governors
<p>The school has no specific SEN provision.</p>	<p>The school has a full-time SENCO and was specifically praised for its SEN provision by OfSTED Inspectors both Feb 2007 and Sept 2009.</p>

Annex A Para 11: Displaced Pupils

Statements in Statutory Notice 11 th Jan 2010	Response of Governors
The re-allocation process would be handled by Medway Council's school admissions team. All pupils attending St John's at the point of closure will be offered places at either St Michael's Catholic Primary, Hills Terrace, Chatham, ME4 6PX or Delce Infant and Nursery School, Fleet Road, Rochester, ME1 2QA. There are also vacancies in other Medway schools and the usual arrangements for responding to parental preferences will apply.	St. Michael's and Delce Infants are not equivalent schools and at the C of E schools listed, the only available spaces are 2.38 miles away at St. Mary's Island (1 space in Yr R), 6.55 miles away at St Helen's (1 space in Yr 1) and 12.99 miles away at St. James in Grain (12 spaces Yr R, 10 spaces Yr 1). St. John's is a popular faith school which performs well and serves the local community. Parents have already expressed their preference for this school but preferences cannot be guaranteed and some children will be forced into schools their parents would not choose.

Annex A Para 20: Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Statements in Statutory Notice 11 th Jan 2010	Response of Governors
Neighbouring schools will receive a larger overall budget for SEN, which will enable those schools to increase the standard, quality and range of their SEN provision. The consolidation of pupils at these other schools will enable resources to be used more flexibly. There will also be greater budgetary flexibility for schools to train their own teachers and support staff in developing expertise in various specialties and over time these schools will be able to use their resources more effectively to support early intervention. This will lead to a general improvement in SEN provision in the local area.	The Cabinet Report of 15 th December 2009 (para. 3.26 concedes that improvements to SEN provision " <i>are not, in this case, a reason for closure.</i> " They should therefore not be among the reasons for closure highlighted in the published summary of this Statutory Notice. St. John's makes particularly good provision for the high proportion of its pupils with learning difficulties or with English as an additional language and was commended by OfSTED inspectors in Feb 2007 and Sept 2009 for the " <i>particularly good progress</i> " made by these pupils who " <i>make good progress in their learning and confidence because of the well-organised and effective additional help they receive.</i> " These pupils' progress is unlikely to be helped by the stress of being separated from their friends and moved to other, more distant and less appropriate schools.

In conclusion, contrary to the implications of the Statutory Notice posted on the school and published in newspapers,

- Closing St. John's will not significantly reduce the percentage of surplus places in Medway but will contribute to a local deficit of places in one of the most deprived areas of Medway;
- "*The usual arrangements for responding to parental preferences*" will not result in all children being allocated places in schools of their parents choice as there are insufficient places in comparable schools (and none in Church of England schools) within walking distance;
- Closing St. John's will not "*lead to improvements in the standard, quality and/or range of the educational provision for the children with special educational needs ("SEN") currently attending St John's Church of England Voluntary Controlled Infant School.*"

It will instead lead to disruption and distress for the families of children currently attending or planning to attend the school, increased journey times, more car journeys and the transfer of some children to worse-performing schools less able to address their particular needs. We therefore urge Cabinet members to withdraw their proposal to close St. John's CEVC Infant School.

Yours sincerely,

James Wyper (Chair)

Christine Hodgetts (Vice Chair)

On behalf of all Governors of St. John's CEVC Infant School.



JLS/H/rdbe

:-

Mr Simon Trotter,
Assistant Director Learning and Achievement,
Children and Adults,
Medway Council,
Gun Wharf
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ME4 4TR

 THE CHURCH
OF ENGLAND

 Diocese of
Rochester

Board of Education

**Bishop's Officer & Director of
Education**

Rev Canon. John L. Smith, M.A.

Email: john.smith@rochester.anglican.org

12 February 2010

Dear Simon,

**Statutory Consultation on the proposed closure
of St John's Church of England (VC) Infants School, Chatham**

At a meeting of the Rochester Diocesan Board of Education on 11 February 2010 the members present voted to object to the proposed closure of the above school by nine votes to five (9-5). I am therefore writing to you to object to the proposal on behalf of the Diocesan Board of Education.

Yours sincerely,

The Revd Canon John L Smith

Cc Headteacher, St John's Infant School

Rochester Diocesan Board of Education, St Nicholas' Church, Boley Hill, Rochester, Kent
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"Proclaiming the Word and Work of God"

department for
children, schools and families

Closing a Maintained Mainstream School

A Guide for Local Authorities and Governing Bodies

For further information:

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DCSF
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Website: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=3

Last updated 1 February 2010

CLOSING A MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

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INTRODUCTION

CLOSING A MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

Introduction (Paragraphs 1-33)

1. This guide provides information on the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments) (England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment)(England) Regulations 2009 which came into force on 1 September 2009). For your convenience, a consolidated version of the Establishment and Discontinuance Regulations and the two sets of Amending Regulations can be found at: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=29. The relevant provisions of EIA 2006 came into effect on 25 May 2007.

2. This guide contains both statutory guidance (i.e. guidance to which local authorities (LAs) and governing bodies have a statutory duty to have regard) and non-statutory guidance, on the process for closing a maintained mainstream school. Supplementary guidance is available for special schools under the relevant guidance section on the School Organisation website at www.dcsf.gov.uk/schoolorg.

NOTE: For more detailed information on when proposals are required, see paragraphs 11 to 23 below.

The statutory guidance sections are indicated by shading, the word **must** in bold refers to a requirement in legislation, whilst the word **should** in bold is a recommendation.

3. If you have any comments on the content or layout of this guide please send these to the School Organisation & Competitions Unit (using the School Organisation website's "Contact Us" facility [\[www.dcsf.gov.uk/schoolorg/contact.cfm\]](http://www.dcsf.gov.uk/schoolorg/contact.cfm) or by email to: school.organisation@dcsf.gsi.gov.uk) making sure that you identify the title of the guide and quote the page and paragraph numbers where relevant.

Who is this Guide for? (Paragraphs 4-5)

4. This guide is for those considering publishing proposals to close maintained mainstream schools under Section 15 of EIA 2006, referred to as "proposers" (i.e. the LA or the governing body), those deciding proposals, referred to as the "Decision Maker" (i.e. the LA and the schools adjudicator) and also for information for those affected by school closure proposals.

5. Separate guides are available from the School Organisation website for:

- Opening a new school – "Establishing a new maintained

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mainstream school” -

www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2;

- Becoming a Foundation or “Trust” school (changing category to foundation; a foundation school acquiring a foundation (i.e. a Trust); a Trust school acquiring a majority of foundation governors on the governing body) - “Changing School Category to Foundation“ and “Trust School Proposals“ - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=25;
- Expanding a maintained mainstream school by enlarging or adding a sixth form - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=5; and
- Making other prescribed alterations to a maintained school (e.g. change of age range other than adding a sixth form, add SEN, transfer of site) – “Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)“ - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=6.

School Organisation Planning Requirements (Paragraphs 6-8)

6. LAs are under a **statutory duty** to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child’s educational potential. They **must** also ensure that there are sufficient schools in their area, promote diversity and increase parental choice.

7. Parents can make representations about the supply of school places and LAs have a **statutory duty** to respond to these representations. Further statutory guidance on this duty is available in “Duty to Respond to Parental Representations about the Provision of Schools” which is on the School Organisation website at: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=26.

8. Currently, LAs **must** publish a Children and Young People’s Plan (CYPP) as the single strategic overarching plan for all services affecting children and young people which also includes reference to strategic planning for school places. It is for LAs, in partnership with other stakeholders, to plan for the provision of places. LAs **should** also explore the scope for collaborating with neighbouring authorities when planning the provision of schools. In particular, LAs are encouraged to work together to consider how to meet the needs of parents seeking a particular type of school for their children in cases where there is insufficient demand for such a school within the area of an individual LA.

Responsibility for CYPPs is passing to The Children’s Trust Board for each area and from 1 April 2011 each will be required to have a new 'jointly owned' CYPP in place.

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Children's Trusts are the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people in each area. The Trust is not in itself a separate legal entity; each partner retains its own functions and responsibilities within the partnership framework. However, the Apprenticeships, Skills, Children and Learning Act 2009 strengthens Children's Trusts by requiring all local authorities to have a Children's Trust Board in place by April 2010. It also extends the number of statutory "relevant partners" who will be represented on the Board to include schools (including Academies), colleges, Job Centre Plus and the management committees of short stay schools (formerly PRUs).

In each local authority area the Children's Trust Board will be responsible for preparing and monitoring the implementation of the CYPP. This will give ownership of the plan to the partnership – whereas at present the CYPP is the responsibility of the local authority alone.

The Secretary of State's role (Paragraphs 9-10)

9. The Secretary of State has the power to issue guidance to which the Decision Maker **must** have regard when deciding proposals. This should ensure that proposals and consultation responses and representations received from stakeholders are considered in a consistent way and that Ministers' key priorities for raising standards and transforming education are taken into account when decisions are taken. When drawing up their proposals, proposers are strongly advised to look at the factors which the Decision Maker **must** take into account when considering their proposals (see [Stage 4](#)).

10. The Secretary of State does not decide statutory proposals relating to schools, except where proposals have been published by the Learning and Skills Council (LSC)¹ under Section 113A of the Learning and Skills Act 2000 (as inserted by section 72 of the Education Act 2002), for changes to 16-19 provision in schools. For further information please see guidance "School Organisation Proposals by the Learning and Skills Council" available at: www.teachernet.gov.uk/docbank/index.cfm?id=4390.

When are closure proposals required? (Paragraph 11)

11. If a LA or governing body needs to close a maintained mainstream school for the following reasons:

- it is surplus to requirements (e.g. as a result of an area-wide reorganisation and/or there are sufficient places in neighbouring schools to accommodate displaced pupils);

¹ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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- it is to be amalgamated/merged with another school (see paragraph 12 below);
- it is to gain, lose or change religious character (see paragraph 13 below);
- it is to be replaced by an Academy (see paragraph 14 below); or
- it is to be replaced by a new school under the National Challenge Trust programme (see paragraph 22 below)

statutory proposals will be required. The statutory process to close a school does not have to precede proposals to re-build a school on its existing site or to transfer an existing school to a new site UNLESS the intention is to statutorily cease to maintain the school and replace it with a new school established under section 7 (school competition), 10 (exemption from a school competition) or 11 (special case) of the EIA 2006.

Amalgamations/Mergers (Paragraph 12)

12. There are two ways to 'merge' or 'amalgamate' two or more existing schools:

a. The LA or GB (depending on school category) can publish proposals to close two (or more) schools and the LA or a proposer other than the LA (e.g. Diocese, faith or parent group, Trust) depending on category, can publish proposals to open a new school, either through a competition (under section 7 of EIA 2006), or after receiving exemption from the Secretary of State* (under section 10 of the EIA 2006). This results in a new school number being issued for the new school.

b. The LA and/or GB (depending on school category) can publish proposals to close one school (or more) and proposals to enlarge/change the age range/transfer site etc of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

*All section 10 exemption applications are considered on their individual merits. However there is a 'presumption for approval' for infant/junior amalgamations, faith school reorganisations and new schools proposed by proposers other than the LA, because Ministers have indicated, during debates in Parliament, that they may be prepared to give consent to requests under these criteria, for publication of proposals without holding a competition. See Section B of the "Establishing a Maintained Mainstream School" guide for further information (www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2).

Schools wishing to acquire, change or lose a Religious Character (Paragraph 13)

13. It is not possible for a community, voluntary or foundation school to acquire, lose or change religious character by making a prescribed alteration

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to the school. To make a change from, for example, a community school to a voluntary school with a religious character, the LA would need to publish proposals to close the community school, and a faith organisation (as proposers) would need to bring forward “related” proposals to establish a new voluntary school with a religious character (either through “competition” under section 7 of the EIA 2006, or “exemption” under section 10 of the EIA 2006). Please refer to “Establishing a New Maintained Mainstream School” - (<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2>).

Closing school(s) to be replaced by an Academy (Paragraph 14)

14. Academies are publicly funded independent schools, which do not fall under School Organisation regulations. Where a maintained school is proposed for closure, to be replaced by an Academy, the normal statutory process applies to the school closure proposals, but not to the new Academy (see <http://www.standards.dfes.gov.uk/academies> for further information about Academies). Section 482 of the Education Act 1996 provides for the Secretary of State to enter into funding agreements for new Academies with sponsors. The school closure proposals, if approved, **should** be conditional upon the Funding Agreement being signed, which could be explained in “Explanatory Notes” in the statutory notice along the lines of:

Academies are publicly funded independent schools with sponsors from the private and voluntary sectors. The establishment of an Academy is subject to the agreement of the Secretary of State. It is proposed that the closure of X school(s) should be approved to take effect only if by the date of closure an agreement has been made under section 482(1) of the Education Act 1996 for the establishment of an Academy to replace X school(s).

NOTE: The minimum amount of information about the proposed Academy **should** be included in the closure notice; the proposals are about the closure of the school(s), not the specifications of the new Academy. Because Academy proposals do not fall under School Organisation regulations, they are not considered as “related” to the school closure proposal(s) (see paragraph 2.5 below).

Schools Causing Concern (Paragraphs 15-21)

15. The categories of schools causing concern are defined in sections 59-62 of the EIA 2006. Further information on these categories and the relevant duties, powers and responsibilities can be found in the DCSF guidance on schools causing concern, available at: <http://www.standards.dcsf.gov.uk/sie/si/SCC/>.

16. The Apprenticeships, Schools, Children and Learners (ASCL) Act 2009 introduces new provisions relating to schools causing concern. These provisions come into force on 12 January 2010. The existing schools causing concern guidance will be replaced with new guidance to reflect the new provisions in the New Year.

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17. All maintained schools causing concern **should** receive intensive support from their LA. The National Strategies section of the DCSF Standards website provides further information:

<http://nationalstrategies.standards.dcsf.gov.uk/>.

18. The Education Act 2005 (Section 44) changed the definition of a school in Special Measures and introduced a new category - Significant Improvement – which replaced previous Ofsted categories of Serious Weaknesses, Inadequate Sixth Form or Underachieving (a non-statutory category). Before reaching a judgement that a school requires Special Measures, Ofsted inspectors **must** now take into account a school's capacity to improve. A school that is not considered to need Special Measures but is nevertheless not performing as well as it ought to be, may be judged to require Significant Improvement. Schools requiring Significant Improvement are sometimes described as being under a Notice to Improve.

19. Schools that are made subject to Special Measures will continue to receive termly monitoring visits; those requiring Significant Improvement will be re-inspected after one year. In addition, Ofsted carry out monitoring visits to schools requiring Significant Improvement 6-8 months after the initial inspection.

20. When considering the closure of any school causing concern and the expansion of other schools in the area, the LA **should** take into account the popularity with parents of alternative schools.

21. Where a school is to be closed so that it may be amalgamated with a more successful and popular school, the Decision Maker will normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards.

Proposals published under National Challenge (Paragraph 22-23)

22. The National Challenge programme was launched in June 2008 as a major initiative to improve standards in all secondary schools. The aim is that by 2011, at least 30% of pupils in every school will gain five or more GCSEs at A*-C, including both English and mathematics. One of the structural solutions (interventions) available through the programme is the closure of a school which is below this target, and the opening of a new National Challenge Trust (NCT) school, which will have clear and specific plans for raising attainment, agreed with the Department. The new NCT school **must** be a foundation school with a foundation (i.e. a Trust school) composed of Trust partners agreed with the LA and the Department in the Statement of Intent, including a strong education partner; the foundation (Trust) **must** also appoint a majority of governors to the school's governing body.

23. The proposals for both the closure of the weak school and the opening of the new school, usually on the same site, **should** be published as "related" statutory proposals. NCT proposals for a new school can only be published without a competition for the new school if the Secretary of State has granted consent under Section 10 of EIA 2006 (see Part B of "Establishing a New

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Maintained Mainstream School” - (<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2>). There is a strong presumption to approve proposals for a NCT school where a Statement of Intent has been agreed with the Department.

Secretary of State’s power to direct school closure (Paragraph 24)

24. Section 68 of EIA 2006 gives the Secretary of State the power to direct an LA to close a school requiring special measures. This will usually be done only where there is no prospect of the school making sufficient improvements. Prior to making the direction, the Secretary of State **must** consult with the LA, the governing body that is to be replaced, and – in the case of a voluntary or foundation school – the diocesan or other appointing authority, and the LSC (if the school has a sixth form). Such a direction will not require the publication of statutory proposals for the school’s closure but proposals may be required for the opening of a new school or for alterations as a consequence of the directed closure. If the direction to close a school has been given, the LA will be expected to meet any costs of terminating staff contracts, and make appropriate arrangements for the pupils’ continuing education, whether in a replacement school or through transition to an alternative school (see chapter 5 of Schools Causing Concern Guidance for further information – <http://www.standards.dcsf.gov.uk/sie/documents/sccamendedguidance.doc>).

LSC Powers to publish proposals to close 16-19 schools (Paragraph 25)

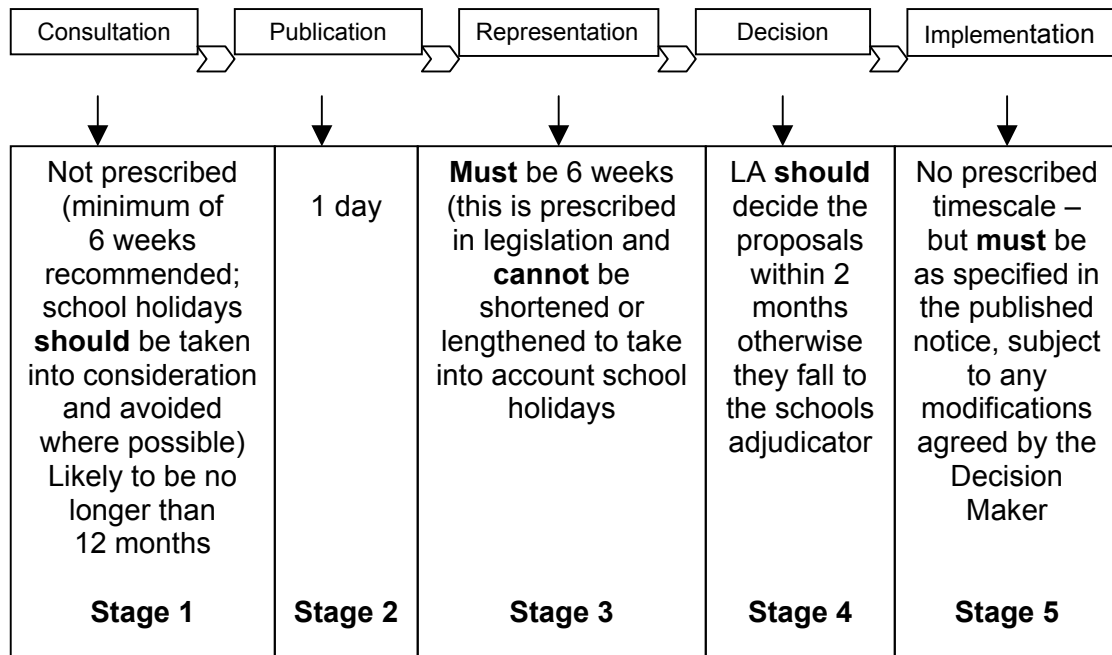
25. The Learning and Skills Council (LSC)² will work with LAs to support the improvement of sixth form provision. The LSC has the power to publish proposals for the closure of an inadequate school sixth form. Where a school sixth form has been judged to require Significant Improvement in two consecutive Ofsted inspections, or where a maintained school for 16-19 year olds has been judged to require Special Measures in two consecutive Ofsted inspections, the LSC may publish proposals to close the sixth form or 16-19 school. The proposals will be decided by the LA or schools adjudicator in accordance with the same procedures as set out in [Stage 4](#) of this guide.

Overview of process (Paragraph 26)

26. There are 5 statutory stages for a statutory proposal to close a maintained mainstream school:

² References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People’s Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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Two Years Notice of Closure – Voluntary and Foundation Schools (Paragraphs 27-28)

27. Alternatively (instead of following the statutory process outlined above), under section 30 of the School Standards and Framework Act 1998, the governing body of a voluntary or foundation school may (subject to specified provisions) give at least two years' notice of their intention to close the school, to the Secretary of State and the LA. The Secretary of State's prior consent is required if expenditure has been incurred on the school's premises by the Secretary of State, the Funding Agency for Schools (in the case of a school which was formerly grant-maintained) or by the school's current, or any previous, LA. Similarly, trustees of a foundation or voluntary school may give the governing body a minimum of two years notice, if they intend to terminate the school's occupation of the school's site, and as a result the school can no longer continue. A copy of the served notice **must** also be given to the Secretary of State and the LA at the time when it is given to the governing body. The minimum two years' notice allows the LA and/or governing body time to make alternative arrangements for the school and its pupils, which may include following the normal statutory process to enlarge/change the age range of other schools etc.

28. Statutory proposals are not required in the case of closure proposed under section 30; the full process is set out in section 30 of the School Standards and Framework Act 1998 and is not covered by this guidance.

Who can publish statutory proposals to close schools? (Paragraph 29)

29. An LA can publish proposals to close any category of maintained school (community, community special, foundation [including Trust], foundation special, voluntary aided, voluntary controlled and nursery schools).

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The governing body of a voluntary, foundation [including Trust], or foundation special school may also publish proposals to close their own school.

Where to start? (Paragraph 30)

30. Before commencing formal consultation, the LA or governing body **should** ensure they understand the statutory process that **must** be followed, the factors that are likely to be considered by the Decision Maker and that they have a sufficiently strong case and supporting evidence for their proposals.

Rural Primary Schools (Paragraphs 31-32)

31. EIA 2006 requires that an LA or governing body, that is considering proposing the closure of a rural primary school **must** consider the following matters, when formulating their proposals:-

- the likely effect of the discontinuance of the school on the local community;
- the availability, and likely cost to the LA, of transport to other schools;
- any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- any alternatives to the discontinuance of the school.

Although there is a presumption against closure of a rural school, that does not mean that no rural schools will close ([see 4.42](#) below).

32. A list of primary schools that are designated as rural can be found at: www.dcsf.gov.uk/schoolorg/useful-links.cfm. Secondary schools are not designated; it is for the Decision Maker to determine whether or not a secondary school should be considered as rural; the Department's register of schools – Edubase (<http://www.edubase.gov.uk>) - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. See paragraphs 4.43-4.44 for further information.

NOTE: On Edubase, any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

Nursery Schools (Paragraph 33)

33. Nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families; there is a presumption against closure of LA maintained nursery schools, but that does not mean that no nursery schools will close. The LA **should** consider the following matters (which **must** be

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considered by the decision maker), when formulating proposals:-

- the number of empty places consistently being funded;
- developing the school into a Sure Start Children's Centre, unless there is evidence of unsuitable accommodation, poor quality provision and low demand for places;
- alternative planned provision will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school, with no loss of expertise and specialism; and
- replacement provision is more accessible and convenient for local parents.

STAGE 1

Stage 1 – Consultation (Paragraphs 1.1-1.8)

1.1 Under section 16 of EIA 2006, those considering bringing forward statutory proposals to close a school **must** consult interested parties, and in doing so **must** have regard to the Secretary of State's guidance. The statutory guidance for this purpose is contained in paragraphs 1.2 to 1.5. Where an LA or governing body carries out any preliminary (informal) consultation to consider a range of options, and/or principles, for a possible reorganisation, this would not be regarded as the statutory (formal) period of consultation as required by regulations. The statutory consultation would need to cover the specific closure proposal of the school in question.

1.2 The Secretary of State requires those bringing forward proposals to consult all interested parties (see paragraph 1.3 below). In doing so they **should**:

- allow adequate time;
- provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted;
- make clear how their views can be made known; and
- be able to demonstrate how they have taken into account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals.

1.3 The Secretary of State considers that the interested parties who **should** be consulted by proposers include:

- the governing body of any school which is the subject of proposals (if the LA are publishing proposals);
- the LA that maintains the school (if the governing body is publishing the proposals);
- families of pupils, teachers and other staff at the school;
- any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school; and

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representatives of any trade union of any other staff at schools who may be affected by the proposals;

- (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;
- the trustees of the school (if any);
- (if the proposals affect the provision of full-time 14-19 education) the Learning and Skills Council (LSC);
- MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;
- the local district or parish council where the school that is the subject of the proposals is situated;
- any other interested party, for example, the Early Years Development and Child Care Partnership (or any local partnership that exists in place of an EYDCP) where proposals affect early years provision, or those who benefit from a contractual arrangement giving them the use of the premises; and
- such other persons as appear to the proposers to be appropriate.

1.4 Under Section 176 of the Education Act 2002 LAs and governing bodies are also under a duty to consult pupils on any proposed changes to local school organisation that may affect them. Guidance on this duty is available on the Teachernet website: www.publications.teachernet.gov.uk and is entitled “Pupil Participation Guidance: Working Together – Giving Children and Young People a Say”.

Rural Primary Schools – Consulting on Closure (Paragraph 1.5)

1.5 Section 16(1) of EIA 2006 places a statutory **duty** on those proposing the closure of a rural primary school to consult:-

- the registered parents of registered pupils at the school;
- the LA (where proposals are to be made by the school governing body);
- in a case where the LA are a county council in England, any district council for the area in which the school is situated;
- any parish council for the area in which the school is situated; and

STAGE 1

- such other persons as appear to the relevant body to be appropriate.

Conduct of Consultation (Paragraphs 1.6-1.8)

1.6 **How** statutory consultation is carried out is not prescribed in regulations and it is for the proposers to determine the nature of the consultation including, for example, whether to hold public meetings. Although regulations do not specify the consultation's duration, the Department strongly advises that the proposers **should** allow at least 6 weeks for this. This will allow consultees an opportunity to consider what is being proposed and to send their comments. Proposers **should** avoid consulting on proposals during school holidays, where possible.

1.7 At the end of the consultation the proposer **should** consider the views expressed during that period before reaching any final decision on whether to publish statutory proposals. Where, in the course of consultation, a new option emerges which the proposer wishes to consider, it will probably be appropriate to consult afresh on this option before proceeding to publish statutory notices.

1.8 If the need for the closure arises from an area wide reorganisation e.g. as a result of long-term LA planning, any related proposals **should** be consulted on at the same time. Notices for related proposals **should** be published at the same time and specified as "related" so that they are decided together (see 2.5).

Remember:

Do	Don't
Consult all interested parties	Consult during school holidays (where possible)
Provide sufficient time and sufficient information	Use language which could be misleading, e.g. We <u>will</u> close the school – instead, use 'propose to'.
Think about the most appropriate consultation method	
Consider feedback and views	
Consider alternative options	
Explain the decision making process	

STAGE 2

Stage 2 – Publication (Paragraphs 2.1-2.10)

2.1 LAs can publish proposals to close any category of maintained school within the LA. Governing bodies of voluntary or foundation schools can publish proposals to close their own school. Proposals **should** be published within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. Proposals **should** therefore be published within 12 months of consultation being concluded.

2.2 Proposals **must** contain the information specified in the Regulations. The regulations specify that part of the information (as set out in Part 7 of Schedule 5) is published in a statutory notice (see paragraph 2.3 below), but the complete proposal (as set out in Schedule 4), **must** be sent to a range of copy recipients (see paragraph 2.9-2.10 below). [Annex A](#) can be used to prepare the complete proposal; the notice builder tool (see 2.4 below) can be used to prepare the draft statutory notice.

2.3 A statutory notice containing specified information (indicated by the shaded information in [Annex A](#)) **must** be published in a local newspaper, and also posted at the main entrance to the school (or all the entrances if there is more than one) and at some other conspicuous place in the area served by the school (e.g. the local library, community centre or post office etc). The 'date of publication' is regarded as being the date on which the last of the above conditions is met. Proposers may circulate a notice more widely in order to ensure that all those substantially affected have the opportunity to comment.

2.4 To help proposers prepare their statutory notice, the School Organisation website includes an online Notice Builder tool which will help ensure that the statutory notice complies with the Regulations and offers an opportunity for the notice to be checked by the School Organisation & Competitions Unit of the DCSF. Proposers are strongly advised to use this facility. The Notice Builder can be found at www.dcsf.gov.uk/schoolorg. To gain access the proposer needs to register for the "Members' Area" on the website but this is free of charge. A template for the complete proposal is provided automatically by the Notice Builder when the draft statutory notice is finalised, alternatively the template can be found in "Standard Forms" in the Members' Area of the website.

Related proposals (Paragraph 2.5)

2.5 Where proposals are interdependent (linked) they **should** be identified as "related", either by being published in a single notice or the link to the other proposals made clear in each notice. Where proposals by the LA are "related" to proposals by governing bodies or other proposers (e.g. where a school is to be closed and another enlarged, or a school is to be replaced by a new school) the LA and governors or proposers may publish a single notice but this **must** make it clear who is making which proposals, under their respective powers, and there **should** be separate signatures for each relevant section. Where proposals are not "related", they **should not** be published on the same notice unless the notice makes it very clear that the proposals are not

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“related”. This does not include proposals that fall under other regulations e.g. removal of a Trust, opening of an Academy or federation proposals.

Implementation date (Paragraph 2.6)

2.6 There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation but circumstances may change significantly if too long a period elapses. In general, therefore - with the possible exception of BSF or major authority-wide reorganisation proposals which may have to be phased in over a long period - the implementation date for the proposals (stated in the statutory notice) **should** be within 3 years of their publication. Proposers may be expected to show good reason if they propose a longer timescale. If the proposals are approved, they **must** then be implemented by the proposed implementation date, subject to any modifications made by the Decision Maker.

Explanatory note (Paragraph 2.7)

2.7 If the full effect of the proposals is not apparent to the general public from the statutory notice, it may be supplemented by an explanatory note or background statement, but this **should** be clearly distinguishable from the formal proposals as it does not form a statutory part of the notice. Ideally, whilst complying with regulations, the statutory notice **should** be as concise as possible, so that it is easily understood (this will also help keep publication costs to a minimum), with more detailed information contained in the complete proposal (see [paragraph 14](#) for suggested explanatory notes if a closing school is to be replaced by an Academy).

Invalid notice (Paragraph 2.8)

2.8 Where a published notice has not been properly formulated in accordance with the regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or schools adjudicator. In these circumstances the proposer **should** publish a revised notice making it clear that this replaces the first notice and that the statutory period for representations will run from the publication date of the revised notice (and whether or not any representations already received will still be considered by the Decision Maker). If the issue is very minor, e.g. a typo, a published addendum may suffice, in which case, the representation period would not need to change.

Who should be sent copies of the proposals? (Paragraphs 2.9-2.10)

2.9 If the governing body are the proposers, they **must** submit a copy of their complete proposal to the LA that maintains the school, on the **date of publication**. It would also be helpful to submit a copy of the statutory notice. (see 2.2 above).

If the LA are the proposers, they **must** submit a copy of their complete proposal to the governing body of the school proposed for closure, on the

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date of publication. It would also be helpful to submit a copy of the statutory notice. (see 2.2 above).

In addition, the proposer **must, within one week of the date of publication**, send a full copy of the complete proposal, to:

- any other LA likely to be affected by the proposals;
- the Diocesan Board of Education for any diocese of the Church of England which is comprised in the area of the LA;
- the bishop of a diocese of the Roman Catholic Church which is comprised in the area of the LA;
- the Learning and Skills Council for England if the school provides 14-16 education or sixth form education;
- where the school is a voluntary or foundation - the trustees or foundation body; and
- any person who requests a copy.

2.10 The proposers **must** also send to the Secretary of State (i.e. to SOCU, DCSF, Mowden Hall, Darlington DL3 9BG or via email to school.organisation@dcf.gsi.gov.uk) **within a week of publication**:

- a complete copy of the proposal, excluding all documentation relating to the consultation; and
- a copy of the statutory notice that appeared in the local newspaper, showing the date of publication.

STAGE 3

Stage 3 – Representations (Paragraphs 3.1-3.2)

3.1 Once proposals are published there follows a **statutory 6 week representation period** during which comments on the proposals can be made. These **must** be sent to the LA. Any person can submit representations, which can be objections as well as expressions of support for the proposals. The representation period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account by the Decision Maker.

3.2 The representation period is specified in legislation as **6 weeks** and **must not** be altered e.g. cannot be shortened or extended to fit in with scheduled meetings or to take into account school holidays – meetings will need to be rescheduled and every effort **should** be made to advise stakeholders during the consultation period when the notice is likely to be published.

STAGE 4

Stage 4 – Decision (Paragraphs 4.1-4.70)

Who Will Decide the Proposals? (Paragraphs 4.1-4.4)

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both. Paragraphs 7-8 and 19 of Schedule 2 to EIA 2006 set out who **must** decide proposals for school closures. Decisions on closure proposals will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the closure proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

4.2 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph 4.15 below) applies equally to the body or individual that takes the decision.

4.3 Where proposals are published by the LA and there are no objections and the proposals are not “related” to other proposals, the proposals **must** be determined by the LA under Paragraph 19 of Schedule 2 to EIA 2006. The proposals **should** then be decided within 2 months (and if not, the proposals **must** be referred to the schools adjudicator) and there is no provision for an appeal against the LA’s decision. A conditional approval cannot be given where proposals are decided under the paragraph.

4.4 If there are objections to the proposals, or there are no objections but the proposals are “related” to other proposals, the proposals **must** be decided under Paragraph 8 of Schedule 2 to EIA 2006. The LA will normally be the decision maker (i.e. except where the proposals are related to proposals for the establishment of a new school and the schools adjudicator is required to decide the new school proposals – see paragraph 5.6 of Part A, and paragraph 4.6 of Part B, of “Establishing a New Maintained Mainstream School” - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2). If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)

4.5 There is no right of appeal where proposals are decided under Paragraph 19 of Schedule 2 to EIA 2006. In all other cases the following bodies may appeal against an LA decision on school closure proposals:

- the local Church of England diocese;
- the Bishop of the local Roman Catholic diocese;
- the LSC where the school provides education for pupils aged 14

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and over; and

- the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the closure proposals.

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments made on these representations by the proposers), to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

Checks on Receipt of Statutory Proposals (Paragraph 4.7)

4.7 There are 4 key issues which the Decision Maker **should** consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker **should** write immediately to the proposer specifying a date by which the information **should** be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below); and
- Are the proposals "related" to other published proposals? (see paragraphs 4.10 - 4.14 below).

Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in the Regulations - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice? (Paragraph 4.9)

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see [Stage 1](#) paragraphs 1.2–1.5). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid

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and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

Are the Proposals Related to Other Published Proposals? (Paragraphs 4.10-4.14)

4.10 Paragraphs 9 and 19 of Schedule 2 to the EIA 2006 provide that any proposals that are “related to” particular proposals (e.g. for a new school, or prescribed alterations to existing schools i.e. change of age range, enlargement, transfer of site) **must** be considered together. This does not include proposals that fall outside of the Regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11 – 4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

4.11 Generally, proposals **should** be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals **should** be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals **should** be regarded as “related”. Proposals for a school competition **should** be considered together with proposals for any school closure where there is a clear link.

4.12 Where proposals are “related”, the decisions **should** be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both **should** be approved or rejected.

4.13 Where proposals for a closing school are “related” to proposals published by the local LSC³, which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

³ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 4.15-4.16)

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on closure proposals. Paragraphs 4.16 to 4.63 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and
- the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

Standards (Paragraphs 4.19-4.21)

4.19 The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay

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particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker **should** again normally approve these proposals, subject to evidence being provided by the LA and other interested parties, that the development will have a positive impact on standards.

Schools Causing Concern (Paragraphs 4.22-4.23)

4.22 When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker **should** take into account the popularity with parents of alternative schools.

4.23 For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools **should** be made available. The Decision Maker **should** have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There **should** be a presumption that these proposals **should** be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

National Challenge Trust Schools (Paragraph 4.24)

4.24 Where a school is proposed to close and re-open as a brokered National Challenge Trust school, the new school will have clear and specific plans for raising attainment which have been agreed by the Department (specified in the Statement of Intent agreed by Ministers). There **should** be a presumption to approve proposals where funding has been agreed by the Department, but the Decision Maker **should** be satisfied that the places the new school will provide are needed.

Academies (Paragraphs 4.25-4.27)

4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies **should** contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

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4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools **should** indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, or the extension or enlargement of an existing Academy, any approval of the closure proposals **should be** conditional on the Secretary of State making an agreement for a new Academy, or agreeing to the extension or enlargement of an existing one (see paragraph 4.65), but there **should be** a general presumption in favour of approval.

Diversity (Paragraphs 4.28-4.30)

4.28 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.58 to 4.62).

4.29 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.30 Decision Makers **should** consider how proposals will impact on local diversity. They **should** consider the range of schools in the relevant area of the LA and how the closure of the school will ultimately impact on the aspirations of parents, help raise local standards and narrow attainment gaps.

Balance of Denominational Provision (Paragraphs 4.31-4.32)

4.31 In deciding proposals to close a school with a religious character, the Decision Maker **should** consider the effect that this will have on the balance of denominational provision in the area.

4.32 The Decision Maker **should not** normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

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Every Child Matters (Paragraph 4.33)

4.33 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with “Every Child Matters” principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This **should** include considering how displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

NEED FOR PLACES

Provision for Displaced Pupils (Paragraph 4.34)

4.34 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents’ aspirations for those schools.

Surplus Places (Paragraphs 4.35-4.36)

4.35 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs **should** take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places **should** always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

4.36 The Decision Maker **should** normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker **should** consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question **should** be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

IMPACT ON THE COMMUNITY AND TRAVEL

Impact on Community (Paragraphs 4.37-4.38)

4.37 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community **should** be considered. Where the school was providing access to extended services, some provision **should** be made for the pupils and their families to access similar services through their new schools or other means.

4.38 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, **should** therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services **should** be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

Community Cohesion and Race Equality (Paragraph 4.39)

4.39 When considering proposals to close a school the Decision Maker **should** consider the impact of the proposals 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. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

Travel and Accessibility for All (Paragraphs 4.40-4.41)

4.40 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not** adversely impact on disadvantaged groups.

4.41 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications. Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

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Rural Schools and Sites (Paragraphs 4.42-4.44)

4.42 In considering statutory proposals to close a rural school, the Decision Maker **should** have regard to the need to preserve access to a local school for rural communities. There is therefore a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure **should** be strong and the proposals clearly in the best interests of educational provision in the area. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure **should** provide evidence to the Decision Maker to show that they have carefully considered:

- a. Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- b. The transport implications as mentioned in paragraphs 4.40 to 4.41; and
- c. The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker **should** refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at: www.dcsf.gov.uk/schoolorg/useful-links.cfm.

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against closure. The Department's register of schools – Edubase (<http://www.edubase.gov.uk>) - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker **should** have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school **should** be regarded as rural.

NOTE: On Edubase, any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

SCHOOL CHARACTERISTICS

Boarding Provision (Paragraph 4.45)

4.45 In making a decision on proposals to close a school that includes boarding provision, the Decision Maker **should** consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker **should** consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Equal Opportunity Issues (Paragraph 4.46)

4.46 The Decision Maker **should** consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

SPECIFIC AGE PROVISION ISSUES

Early Years Provision (Paragraphs 4.47-4.48)

4.47 In considering proposals to close a school which currently includes early years provision, the Decision Maker **should** consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and **should** have particular regard to the views of the Early Years Development and Childcare Partnership.

4.48 The Decision Maker **should** also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

Nursery School Closures (Paragraph 4.49)

4.49 In deciding whether to approve any proposals to close a nursery school, the Decision Maker **should** be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There **should** be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

- a. the LA is consistently funding numbers of empty places;
- b. full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing

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so, for example: unsuitable accommodation, poor quality provision and low demand for places;

c. plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that

d. replacement provision is more accessible and more convenient for local parents.

14-19 Curriculum and Collaboration (Paragraph 4.50)

4.50 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers **should** therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures **should not** prevent the closure of a poorly-performing school.

16-19 Provision – General (Paragraphs 4.51-4.53)

4.51 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available **should** be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there **should** be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes **should** make provision for the pastoral, management and learning needs of the 14-19 age group;
- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

4.52 Where standards and participation rates are variable, or where there is

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little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.53 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

LSC Proposals to Close Inadequate 16-19 Provision (Paragraph 4.54)

4.54 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC⁴ powers to propose the closure of 16-19 schools judged to require Significant Improvement in two consecutive Ofsted inspections. Where a 16-19 school is proposed for closure in such circumstances there **should** be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.55)

4.55 Where the implementation of reorganisation proposals by the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations (Paragraphs 4.56-4.57)

4.56 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs **should** aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They **should** ensure that local proposals:

- a. take account of parental preferences for particular styles of provision or education settings;
- b. offer a range of provision to respond to the needs of individual children

⁴ References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;

- c. are consistent with the LA's Children and Young People's Plan;
- d. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- e. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- f. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- g. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- h. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights **must** be ensured. Other interested partners, such as the Health Authority **should** be involved.

4.57 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

The Special Educational Needs Improvement Test (Paragraph 4.58)

4.58 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.59 to 4.62 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

Key Factors (Paragraphs 4.59-4.62)

4.59 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they **should**:

a. identify the details of the specific educational benefits that will flow from the proposals in terms of:

- i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- iii. improved access to suitable accommodation; and
- iv. improved supply of suitable places.

b. LAs **should** also:

- i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
- ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools **should** confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
- iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.60 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) **should not** be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been

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excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

4.61 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.62 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

OTHER ISSUES

Views of interested parties (Paragraph 4.63)

4.63 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Types of Decision (Paragraph 4.64)

4.64 In considering proposals for a school closure, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the school closure date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.65), unless the decision is being made under paragraph 19 of Schedule 2 of the EIA 2006 – see

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4.3 above.

Conditional Approval (Paragraphs 4.65-4.66)

4.65 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the Regulations i.e. as follows:

- a. the making of any agreement under section 482(1) of the 1996 Education Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;
- b. the agreement of the Secretary of State to the extension or enlargement of an existing Academy;
- c. the decision of the Secretary of State to establish a new FE college under section 16 of the Further and Higher Education Act 1992;
- d. the agreement to any change to admission arrangements of any other school or schools specified in the approval;
- e. where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

4.66 The Decision Maker **must** set a date by which the condition **must** be met but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date **must** be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care **should** be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1st September one year, and enlarge on 1st September the following year, and the enlargement requires planning permission, the condition set **must** be met before the addition of a sixth form can be implemented (the earlier proposal), because as “related” proposals, they **should** both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer **should** inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals **must** be referred back to the Decision Maker for fresh consideration.

Decisions (Paragraphs 4.67-4.69)

4.67 All decisions **must** give reasons for the decision, irrespective of

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whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

4.68 A copy of the decision **must** be forwarded to:

- the LA or governing body who published the proposals;
- each objector except where a petition has been received. Where a petition is received a decision letter **should** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition;
- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcf.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the Bishop of the local RC diocese.

4.69 In addition, where proposals are decided by the LA a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA who maintain the school.

Can proposals be withdrawn? (Paragraph 4.70)

4.70 Proposals can be withdrawn by the proposer, at any point before a decision is taken by the Decision Maker. Written notice **must** be given to the LA, or governing body, if the proposals were published by the LA. Written notice **must** also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcf.gov.uk Written notice **must** also be placed at the main entrance to the school, or all the entrances if there are more than one.

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Stage 5 – Implementation (Paragraphs 5.1-5.11)

5.1 The proposers are under a **statutory duty** to implement any proposals which an LA or schools adjudicator has approved, by the approved implementation date. The proposals **must** be implemented as published, taking into account any modifications made by the Decision Maker. If the approval was subject to a condition being met by a specified date, proposers **should** ensure that they meet this. If it looks as though it might not be possible to meet the condition by the specified date, the proposals **must** be considered afresh by the Decision Maker that decided the proposals. The proposer **should** seek a modification to the condition **before** the date has passed.

Can proposals be modified? (Paragraphs 5.2-5.4)

5.2 If it proves impossible to implement the proposals as approved, the proposers can seek a modification and **must** apply to the Decision Maker who decided the proposals. A modification **should** be made before the approved implementation date for the proposals is reached.

5.3 The most common modification is to the implementation date. However, proposals cannot be modified to the extent new proposals are substituted for those that have been consulted upon and published. If proposers wish to make a significant change to proposals after they have been approved, they **must** publish “revocation” proposals to be relieved of the duty to implement the proposals (see 5.5-5.11 below) and publish fresh proposals.

5.4 Before modifying proposals the Decision Maker **must** consult:

- the proposers or the LA who made the proposals;
- the LA, if the LA did not publish the proposals;
- the governing body, if the governing body did not publish the proposals.

The proposals should not be modified in a way that would in effect substitute new proposals – this would run the risk of successful legal challenge in the courts. The Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk) **must** be notified of any modification and the date it was approved, within one week of the proposal being modified.

Revocation (Paragraphs 5.5-5.11)

5.5 If proposers cannot implement approved proposals they **must** publish fresh proposals to be relieved of the duty to implement. Regulation 26(2) of the School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended) provides that revocation

STAGE 5

proposals **must** contain the following information:

- a description of the original proposals as published;
- the date of publication of the original proposals;
- details of who published the proposals; and
- a statement as to why it is proposed that the duty to implement proposals **should not** apply in relation to the original proposals.

The proposals can be published as “related” proposals, if appropriate (following consultation). Templates for revocation notices can be found on the School Organisation website (www.dcsf.gov.uk/schoolorg) under ‘Standard Forms’ via the Members’ Area. You need to register to access this area; membership is free.

5.6 The notice **must** be published in a local newspaper circulating in the area served by the school, and also posted at the main entrance to the school (and all entrances if there are more than one) and at some other conspicuous place in the area served by the school. The proposals **must** provide for anyone to submit comments and objections on the proposals to the LA within 6 weeks of the proposals being published. The proposers **must** forward a copy of the proposals to the LA/governing body within 1 week of publication. Proposers are advised to consult interested parties on the planned revocation proposals before publication although there is no statutory requirement to do so.

5.7 Revocation proposals **must** be decided by the LA, except where the original proposals were decided by the schools adjudicator (or School Organisation Committee), or if the schools adjudicator is required to decide any “related” proposals, in which case the LA **must** forward the proposals, and any comments and objections received, to the schools adjudicator within 2 weeks from the end of the representation period. If the LA are to decide proposals they **must** do so within 2 months from the end of the representation period and if not, **must** pass the proposals to the schools adjudicator within 1 week from the end of the 2 month period.

5.8 To approve the proposals the Decision Maker **must** be satisfied that implementation of the original proposals would be unreasonably difficult, or that circumstances have so altered since the original proposals were approved that their implementation would be inappropriate.

5.9 A copy of the decision **should** be forwarded to:

- the LA or governing body who published the proposals;
- each objector except where a petition has been received. Where a petition is received a decision letter **should** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition;

STAGE 5

- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the Bishop of the local RC diocese.

5.10 The following bodies have a right of appeal to the schools adjudicator if they disagree with the LA's decision:

- The local Church of England diocese;
- The bishop of the local Roman Catholic diocese;
- The LSC where the school is to provide education for pupils aged 14 and over; and
- The governing body and trustees (if relevant) of the school.

5.11 Appeals **must** be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA **must** then send the proposals and the representations (together with any comments made on these representations by the proposers) to the schools adjudicator within 1 week of the receipt of the appeal. The LA need to also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

ANNEX A

Annex A

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

The following sets out the information that must be contained in a complete proposal. Shaded information **must** be published in a statutory notice. See paragraphs 2.2 to 2.10.

NB. If the School Organisation Notice Builder tool is used to create a draft statutory notice, a template for the complete proposal is provided automatically by the Notice Builder when the draft statutory notice is finalised, alternatively the template can be found in "Standard Forms" in the Members' Area of the website or you can enter the information required in the expandable boxes below.

Extract of Schedule 4 to The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended):

Contact details

1. The name of the LA or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Implementation

2. The date when it is planned that the proposals will be implemented, or, where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

4. Evidence of the consultation before the proposals were published including:

- a) a list of persons and/or parties who were consulted;
- b) minutes of all public consultation meetings;
- c) the views of the persons consulted; and
- d) copies of all consultation documents and a statement of how these were made available.

Objectives

5. The objectives of the proposal.

ANNEX A

Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

Provision for 16-19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on:

- a) the educational or training achievements;
- b) participation in education or training; and
- c) the range of educational or training opportunities,

for 16-19 year olds in the area.

Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

Displaced Pupils

11. Details of the schools or FE colleges which pupils at the school for whom provision is to be discontinued will be offered places, including:

- a) any interim arrangements;
- b) where the school included provision that is recognised by the LA as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- c) in the case of special schools, alternative provision made by LAs other than

ANNEX A

the authority which maintains the school.

12. Details of any other measures proposed to be taken to increase the number of school or FE college places available in consequence of the proposed discontinuance.

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Travel

15. Details of the length and journeys to alternative provision.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Related Proposals

17. A statement as to whether in the opinion of the LA or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the LA or the governing body (as the case may be) considered:

- a) the likely effect of discontinuance of the school on the local community;
- b) the availability, and likely cost to the LA, of transport to other schools;
- c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and

ANNEX A

- d) any alternatives to the discontinuance of the school,
as required by section 15(4)

Maintained nursery schools

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out:

- a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- b) the LA's assessment of the quality and quantity of alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- c) the accessibility and convenience of replacement provision for local parents.

Special educational provision

20. Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Diversity Impact Assessment: Screening Form

Directorate Children & Adults Services	Name of Consultation Closure of St John's Infant School	
Officer responsible for assessment Chris McKenzie	Date of assessment 9 September 2009	New or existing? New
Defining what is being assessed		
1. Briefly describe the purpose and objectives	The proposal is to close St. John's School as part of a programme to reorganise primary school education in Medway. The proposal is consistent with the provisions of the School Organisation Principles, which flow from the Children and Young People's plan.	
2. Who is intended to benefit, and in what way?	<p>Future cuts in public expenditure are likely to affect the money available for schools in Medway. St John's receives additional subsidies, which inevitably leads to a reduction in funding to others. Closure will ensure the most effective use of resources across all Medway schools and in turn will help to raise standards across all schools.</p> <p>The high level of surplus places at St John's also means that the school is at risk of becoming unviable and because of it's small size pupils do not have access to the same level of resources, which would be available at a larger school.</p> <p>St John's has no nursery and there is no space to develop one on the school site. Equally, children leaving St John's undergo a transition to junior school, the majority going on the Balfour Junior. After four years, children undergo a further transition when they transfer to secondary school. Government research identifies the management of transfer from one phase to the next as a key issue in children's achievement. It follows that the removal of such transitions is likely to improve outcomes for children.</p>	
3. What outcomes are wanted?	The closure of St John's Infant School in August 2010, and the relocation of pupils to neighbouring schools.	
4. What factors/forces could contribute/detract from the outcomes?	Contribute Funding from government for the Primary Strategy for Change.	Detract None
5. Who are the main stakeholders?	Students, parents, governors and staff of St John's Infant School, the local community, all Medway primary age pupils and their families.	
6. Who implements this and who is responsible?	Rose Collinson - Director of Children & Adults Services	

Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial groups</i>?		
	NO	
What evidence exists for this?	A public meeting was held during the six week consultation period and leaflets were distributed to all relevant groups asking for their views and no concerns were raised regarding this issue. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable schools. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.	

<p>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</p>	NO	
<p>What evidence exists for this?</p>	<p>A public meeting was held during the six week consultation period and leaflets were distributed to all relevant groups asking for their views and no concerns were raised regarding this issue. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable schools. Where required, changes to the accessibility of alternative schools will be funded through the Council's capital budgets. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.</p>	
<p>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</p>	NO	
<p>What evidence exists for this?</p>	<p>A public meeting was held during the six week consultation period and leaflets were distributed to all relevant groups asking for their views and no concerns were raised regarding this issue. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable schools. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.</p>	
<p>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</p>	NO	
<p>What evidence exists for this?</p>	<p>A public meeting was held during the six week consultation period and leaflets were distributed to all relevant groups asking for their views and no concerns were raised regarding this issue. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable schools. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.</p>	
<p>11. Are there concerns there <u>could</u> be a have a differential</p>	YES	

impact due to <i>religion or belief</i> ?		
What evidence exists for this?	St John's is a Church of England Voluntary Controlled School. Respondents raised some concerns about the availability of suitable alternative places. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable alternative schools. As part of our Primary Strategy for Change we are planning to open a new 2 form entry Church of England Voluntary Controlled primary school, which will increase the number of available places in Church of England Primary schools in Medway.	
12. Are there concerns there <u>could</u> be a differential impact due to people's age?	NO	
What evidence exists for this?	A public meeting was held during the six week consultation period and leaflets were distributed to all relevant groups asking for their views and no concerns were raised regarding this issue. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable schools. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.	
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i> ?	NO	
What evidence exists for this?	A public meeting was held during the six week consultation period and leaflets were distributed to all relevant groups asking for their views and no concerns were raised regarding this issue. Parents will be allowed to express their preferences for alternative placements, and all children will be offered places in suitable schools. Local Authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensure equality in their schools and for promoting community cohesion.	
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?	NO	

What evidence exists for this?	Not applicable	
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?		
	NO	
What evidence exists for this?	This proposal is designed to ensure primary age children across Medway are provided with opportunities within first class learning environments to succeed in learning.	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	NO	
Recommendation to proceed to a full impact assessment?		
NO	This service change complies with the requirements of the legislation and there is evidence to show this is the case.	
Action plan to make Minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
None	None	N/A
Planning ahead: Reminders for the next review		
Date of next review	Should the proposed closure of St John's go ahead, there would be further consultation with staff, parents and governors prior to closure. The re-allocation process would be handled by Medway Council's school admissions team who would work with the school, with the children and their parents within the school to make sure we were able to place children at a suitable alternative school.	
Areas to check at next review (e.g. new census information, new legislation due)	To be determined.	
Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?	None	
Signed (completing officer/service manager)	Date	9/09/2009
Chris McKenzie		
Signed (service manager/Assistant Director)	Date	9/09/2009
Simon Trotter		

Relevant Documents held:

Transcripts of Public Meetings – Planning & Review Children & Adults Services
 Consultation Replies – Planning & Review Children & Adults Services