

Cabinet

Report Title:	Peasehall and Yoxford Reorganisation – Determination of Statutory Notices
Meeting Date:	13 December 2016
Lead Councillor/s:	Gordon Jones, Cabinet Member for Education and Young People
Local Councillor/s:	Stephen Burroughes and Michael Gower
Director:	Sue Cook, Director, Children and Young People's Services
Assistant Director or Head of Service:	Gavin Bultitude, Assistant Director, Resources and Support, Children and Young People's Services
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Brief Summary of Report

1. This report summarises the outcome of the publication of statutory notices to close Peasehall Primary School and expand Yoxford Primary School. The report draws Cabinet's attention to the Secretary of State's guidance on school organisation. this guidance must be taken into account during the decision-making process.

What is the Cabinet being asked to decide?

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| <ol style="list-style-type: none"> 2. Cabinet is asked to approve the closure of Peasehall Primary School and the expansion of Yoxford Primary School from a pupil admission number (PAN) of 10 to 15. |
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Reason for recommendation

3. Peasehall Primary is no longer sustainable in terms of its educational provision or local demand for places and it has not been possible to find an academy sponsor. We believe that closure is in the best educational interests of pupils who would be offered places at an expanded Yoxford Primary school.

What are the key issues to consider?

4. The key issues to consider are contained in the statutory guidance published by the Secretary of State for Education. The link to the guidance can be found in the section Sources of Further Information.
5. These include the effect on standards and diversity of provision, the demand for school places in the area, equal opportunity issues, community cohesion, travel and accessibility and capital. Cabinet will also need to consider any representations received following publication of the statutory notices on 30 September 201

What are the resource and risk implications?

6. The main risk is that the capital cost of works to expand Yoxford Primary School will exceed available resources or that the building programme will be delayed. Corporate Property Programme Board agreed on 16 August 2016 that if Cabinet approves the closure of Peasehall Primary School, capital receipts from the sale of Peasehall Primary School can be used to fund works at Middleton and Yoxford Primary Schools.
7. The capital and project risks will be minimised through careful briefing of the project, along with tight project and financial management.
8. All but one member of staff at Peasehall Primary have been offered contracts at Yoxford and/or Middleton Primary Schools (Middleton is part of the Consortium Multi-Academy Trust (MAT)). Consultation on redundancy for the remaining employee of Peasehall Primary would begin if Cabinet determines the statutory notices. Should dismissal on the grounds of redundancy be confirmed, there would be an entitlement to a notice period during which time, tasks related to the operational closure of the school and redistribution of resources could be carried out.

What are the timescales associated with this decision?

9. Statutory notices were originally published on 30 September 2016. The four-week representation period ended on 28 October 2016. The Education and Inspections Act 2006 establishes the local authority as the decision maker and requires a decision within two months of the representation period ending. If the Council does not make a decision in that time the decision passes to the Schools Adjudicator.
10. If Cabinet approve the proposals, Peasehall Primary would close on 31 December 2016.

Alternative options

11. Cabinet could decide to reject the proposals or approve the proposals with a modification (e.g. the proposal implementation date), or approve the proposals subject to them meeting a limited range of specific conditions. The possible conditions relate to planning consent, acquisition of land, funding agreements associated with the Private Finance Initiative or the establishment of an academy, changes to admission arrangements or matters around charities and foundations and academies.
12. It is not possible for Cabinet to approve a modification which would have required significantly different notices to be published.

13. The proposals are related and must be determined together ensuring any dependencies are maintained and that the decisions are compatible. For example, it would not be possible to close Peasenhall Primary without changing the capacity of Yoxford Primary School to provide sufficient places for children displaced by closure.

Who will be affected by this decision?

14. This decision will affect children and young people, parents, staff and governors of Peasenhall and Yoxford Primary Schools. Other members of the community who use or live near the school sites may also be affected.

Main body of report

15. On 13 September 2016 Cabinet considered the outcome of the consultation on related proposals to close Peasenhall Primary School and expand the capacity of Yoxford Primary School to take displaced pupils from Peasenhall and agreed to publish statutory notices.
16. The initial consultation arose because Peasenhall Primary is in Special Measures and it has not been possible to identify an academy sponsor willing to take over the school due to concerns about its future viability. Cabinet will recall that from 18 April 2016 the Secretary of State has a duty to make an academy order in respect of any maintained school or pupil referral unit that has been judged inadequate and placed in a category of concern by Ofsted (requiring special measures or having serious weaknesses), to enable it to become a sponsored academy.
17. In the light of this fact and Ofsted's advice that urgent action was required, pupils were transferred to the Yoxford site for teaching and learning pending a decision on the proposal to close Peasenhall. There are currently 8 pupils on role at Peasenhall Primary who are being taught at Yoxford.
18. Statutory notices to close Peasenhall and expand the capacity at Yoxford Primary Schools were published on 30 September 2016. 2 responses were received in relation to the notices. The representations were made by Peasenhall Parish Council and an individual parish councillor.
19. Since the publication of statutory notices, the DfE has confirmed that Yoxford will convert to academy status on 1 December 2016 within the Consortium MAT. Middleton Primary, previously part of the Federation of Bramfield, Middleton, Yoxford and Peasenhall Primary Schools, will also convert at the same time to the Consortium MAT. These conversions are expected to provide a stable base for the education of pupils in the area. In the light of the academisation, parents of Peasenhall pupils are being asked whether they wish to transfer their children onto the Yoxford role from 1 December.
20. Cabinet must consider the Secretary of State's guidance as it prepares to determine the proposals. A link to the guidance is provided at the end of this report. The key factors follow.

Secretary of State's Guidance

Consideration of consultation and representation period

21. Cabinet will need to be satisfied that the appropriate consultation has been carried out and that due regard has been given to the representations.

22. Full details of the outcome of the first consultation to close Peasehall and expand Yoxford Primary Schools were included in the report to Cabinet on 13 September 2016. During the initial consultation the council wrote to parents/carers of pupils at the two schools, pre-school settings, other schools, staff, governors, councillors, diocesan authorities and other statutory consultees. Meetings were held at both affected schools and were attended by 36 parents/carers and members of the public and 14 members of staff. At Yoxford, 35 survey/written responses were received of which 23 respondents agreed with the proposal, 9 disagreed and 3 were neutral.
23. Cabinet considered an analysis of the initial consultation at its September meeting (see sources of further information at the end of this report). These should be considered in full. This analysis covered all of the views submitted including objections to and comments on the proposals. Cabinet considered all of the responses when it made its decision to publish statutory notices.
24. The publication of statutory notices brought forward two responses: one from the Parish Council and one from an individual parish councillor. Both responses expressed concerns about a) the decision-making process and b) the impact on the pupil role arising from operational decisions to move pupils to Yoxford Primary pending the outcome of the statutory process. The parish council requested Peasehall Parish Council be included in any consultation process and be granted the opportunity to make representations as part of that process. They also asked that the play equipment be retained in the village for community use.
25. Hard copies of the responses to the first consultation and of the representations have been made available in the county councillor area. These must be read in detail.

Education standards and diversity of provision

26. The Secretary of State's guidance states that decision-makers should consider the quality and diversity of schools in the area and whether the proposals will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.
27. Raising standards is the primary aim of these proposals. Educational standards at Yoxford Primary are higher than at Peasehall Primary. Pupils from the two schools are already being educated together and both staff and parents are seeing improvements in the pace of learning and in terms of social, cultural and sporting opportunities. Staff are benefitting from working together and of having opportunities for release for professional development. Although the Parish Council expressed concern about the speed of the decision to educate Peasehall pupils on the Yoxford site, it would not have been possible to provide the immediate improvement in teaching and learning, required by Ofsted, without the benefit of this decision.

A school- led system with every school an academy

28. The proposal to close Peasehall and offer places to pupils at Yoxford Primary which will be an academy from 1 December is consistent with the Department for Education's (DfE) policy of academisation.

Demand v Need

29. In assessing the demand for new school places, the decision-maker should consider the evidence presented for any projected increase in pupil population.
30. There is currently sufficient space at Yoxford Primary for the small number of pupils from Peasehall. However, we intend to provide new classrooms to accommodate pupils from future housing developments in the local area. There is sufficient space on the Yoxford site for this expansion.

School Size

31. Although a school combining pupils from Peasehall and Yoxford will still be considered a small school, it will be financially and educationally more viable and will enable pupils to continue to be taught in their local community.

Proposed Admission Arrangements

32. If the notices are determined, the catchment school for pupils living in the Peasehall catchment would become Yoxford Primary School.
33. The Consortium MAT has confirmed that it will be adopting the county council's admission policy which is compliant with the Schools Admission Code. The Academy Trust will review and consult on any changes to the currently agreed policy in accordance with the Code.

National Curriculum

34. The national curriculum applies to all maintained schools. Whilst academies are not required to follow the National Curriculum, they are required to ensure that their curriculum includes English, Maths and Science, religious education (although the nature of this will depend on whether the school has a religious character) ...and includes sex and relationship education (SRE).
35. The Consortium MAT has confirmed that it will be following the National Curriculum at Yoxford Primary School.

Equal Opportunity Issues

36. Cabinet should consider whether there are any equality issues that arise from the changes being proposed. These relate to the Public Sector Equality Duty of LAs and governing bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.
37. Cabinet should consider whether there are any sex, race or disability discrimination issues which arise. There should also be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area.
38. An Equality Impact Assessment (EIA) screening has been carried out on the proposals. The council's policy clearing house considered the assessment and recommended that a full EIA assessment was not required. A link to the EIA screening document is provided at the end of this report and these must be read in full.

Community Cohesion

39. When considering proposals to close a school Cabinet should consider the impact of the proposals on community cohesion. This should take account of the community served by the school and the views of different sections within the community.
40. It is not the LA's policy to close schools and we understand the value local communities place on the village school. Schools are a focal point for family and community activity and closure may have wider social ramifications.
41. Closure would only be considered if there is no prospect of a viable solution to issues relating to the quality of education and the size and sustainability of the school. Yoxford village is very close to Peasenhall (3 miles approximately) and we believe would be an attractive option for new families in the area, whether they live in Peasenhall or Yoxford or the surrounding area. The Council recognises the potential psychological impact of losing a local school but must weigh this against the potential improvement in the quality of education and, in the longer term, life choices, offered by a bigger, more successful viable school.

Travel and Accessibility

42. Secretary of State's Guidance states that decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. They should also bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably.
43. Peasenhall Primary is located at the top of a hill with no vehicle access other than with permission from a neighbouring landowner. The school is not accessible for pupils or staff with mobility problems. Yoxford Primary School has no accessibility problems and is located centrally.
44. Bus transport will be provided for pupils living in Peasenhall to Yoxford Primary School. We expect this to reduce the likelihood of pupils travelling in multiple cars. Under the current transport arrangements, Peasenhall pupils who are in catchment qualify for travel on the bus. It is our view that any increase in motor vehicle use would be minimal and justified by the circumstances.
45. We appreciate that bus travel is not the same as walking to school with local friends and that social as well as physical benefits accrue. Bus travel will continue to offer social opportunities however and there will be new opportunities for pupils to engage in physical activity at Yoxford as the school has a swimming pool and access to the village tennis courts in addition to the usual range of outdoor play equipment.

Funding

46. The guidance advises that Cabinet must be satisfied that the land, premises and capital required to implement the proposals will be available and that other relevant local parties have given their agreement.
47. Funding for the expansion of Yoxford Primary will come from a combination of capital receipts from the sale of the Peasenhall site, S106 contributions from new housing developments in the local area and the CYP capital programme.

School Premises and Playing Fields

48. Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided in accordance with the curriculum and for pupils to play outside safely.
49. Suitable outdoor space is available at Yoxford Primary School. The school is also able to take advantage of community tennis courts which are located to the rear of the school site.

Additional factors relevant to proposals

Closure Proposals

50. The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area.
51. There is sufficient capacity in Yoxford Primary School for all of the displaced pupils. Peasehall pupils currently attend Yoxford for their education.

Rural Schools and the Presumption against Closure

51. The guidance states that if a rural school is being proposed to close, the case should be strong and the proposal clearly in the best interests of educational provision in the area. Decision-makers must consider alternatives to closure including the potential for federation or conversion to academy status. They should also consider the scope for an extended school to provide local community services, the transport implications as well as 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.
52. Peasehall Primary is currently in Special Measures and when last monitored, Ofsted determined that the school was not making sufficient progress towards the removal of special measures. The Interim Executive Board and the Acting Headteacher have acted on Ofsted advice to take urgent action to improve the standard of education for pupils at the school.
53. The school has been part of the BMPY (Bramfield, Middleton, Peasehall and Middleton) Federation but this arrangement was not sufficient to prevent the decline in standards and in pupil numbers. An academy provider was actively sought by the Local Authority, the Interim Executive Board and by the Regional Schools Commissioner's Team without success.
54. Peasehall Primary is not suited as a hub for extended or community services due to its poor access and location. Yoxford Primary School is located centrally and has the capacity to accommodate extra growth. The school aims to be a vital part of the local community and is already looking at ways to increase the involvement of local communities in the life of the school.
55. In the light of these factors, Cabinet is asked to determine the Statutory Notices to close Peasehall Primary and expand the capacity of Yoxford Primary School.

Sources of Further Information

- a) Cabinet report and appendices September 2016
- b) Guidance on School Organisation
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf
- c) Equality Impact Assessment: [EIA](#)