

Final determination report from the Executive Director of Children's Services.

I have considered the Proposal:

Part 1: to close Alderman Swindell Primary School, Great Yarmouth on 31 August 2018

Part 2: to extend the age range of North Denes Primary School, Great Yarmouth, to admit pupils from the age of two from 1 September 2018

Background on School organisation process for a school closure

The DfE guidance on 'Opening and Closing maintained schools', April 2016 sets out the school organisation process.

- Stage 1 is the informal/pre-consultation stage, to consider options for possible re-organisation. This is not the statutory consultation.
- Stage 2 is the publication of the statutory Public Notice and proposal,
- Stage 3 is the formal consultation. It must be a 4 week formal statutory consultation. It is at this stage that the statutory consultation proposal must set out plans for any school closure.
- Stage 4 is the decision, made by the Local Authority Decision-Maker, and should be made within 2 months of the closing date of the Public Notice.
- Stage 5 is the implementation stage.

Background to this proposal

In 2015 all schools in Great Yarmouth were reorganised to become all-through primary schools. The County Council has undertaken a second stage of organisational review in North Yarmouth to ensure best use is made of existing buildings and to consider how we can improve them in the most cost-effective way.

Alderman Swindell Primary & Nursery School is a primary school taking 196 pupils (as at Sept 2017) from the age of 3 to 11 years of age. The capacity of the school is for 210 children.

North Denes Primary School is a primary school taking 246 pupils (as at Sept 2017) from the age of 4 to 11 years of age. The capacity of the school is for 420 children.

The location of the schools in North Yarmouth is shown on the map in Appendix 1.

Prior to Stage 1 of the process, Headteachers and Chairs of Governors of the two schools – Alderman Swindell Primary School and North Denes Primary School – worked with the local authority about the future provision of school places. The discussions included the option of keeping things as they are, as well as a proposal that all primary school children in the North Yarmouth area go to a single, larger primary school on the North Denes site, for 420 children aged 2 – 11 with 60 pupils in each year group. We indicated that we could do this by building a new larger school building to accommodate all the children and which could be expanded further in the future. The new school building would include provision for pre-school children.

Stage 1, 2 and 3 consultation processes

The proposal for determination was originally based on the effective use of capital resources. When considering the practical implications of moving all children to one site, the quality of education provided over time became a significant part of the consideration. Alderman Swindell has been judged as 'Requiring Improvement' in both of its most recent Ofsted inspections. The Local Authority shares the view that Ofsted expressed in October 2016 that the school has made insufficient progress.

The statutory proposal (Stage 3) to close the Alderman Swindell Primary School, as opposed to North Denes is based on:

- The funding allocation for the improvements to both school buildings could be pooled to build a new primary school building on the North Denes site. We believe this will provide a modern school fit for 21st century learning.
- Of the two sites, Alderman Swindell is constrained and could not accommodate a 420 place primary school, quite apart from further expansion to provide sufficient pupil places for the future.
- Of the two schools, Alderman Swindell has twice been judged as 'Requiring Improvement' and Ofsted monitoring after each inspection has concluded that the school is not taking effective action to tackle the areas requiring improvement identified at the last Section 5 inspection in order to become a good school. We are supporting both schools to further improve but believe that a 21st century school will support our ambition to ensure that children locally receive the very best education.

The requirements of the decision maker

In coming to a decision on school organisation proposals, I am required to address the following factors:

1. Consideration of consultation and representation period
2. Education standards and diversity of provision
3. Demand v. need
4. School size
5. Proposed admission arrangements
6. National Curriculum
7. Equal opportunity issues
8. Community cohesion
9. Travel and accessibility
10. Capital
11. School premises and playing fields

This report, to be read in conjunction with the prescribed information and the report prepared for me, requesting permission to proceed to Public Notice (Appendix 2) will address each of these factors in turn.

1. Consideration of consultation and representation period

1.1 Consultation

All statutory requirements in relation to the statutory consultation, publication and decision-making have been complied with. At Stage 1, the initial consultation, we sought views on whether it would be better for all children in the area to attend a single, larger school, on the North Denes site. The information gathered in this consultation stage, helped shape the formal proposal for Stage 3 statutory consultation.

Proposers of a school organisation proposal must consult organisations, groups and individuals they feel to be appropriate and must include certain information which is published in the Prescribed Information document.

Copies of the initial consultation document (Appendix 3) were sent to all parents of pupils attending both schools and to all addresses in their catchment area, the local County Councillors and local Borough Councillors, the Parish Council, Church of England and Roman Catholic Dioceses, staff, governors, professional associations and other stakeholders as outlined in the school organisation guidance.

This initial consultation period (Stage 1) ran from 12 June to 21 July 2017. Four stakeholder meetings were held on 20 and 27 June at North Denes Primary School and 22 and 29 June at Alderman Swindell Primary School. 25 people attended the first meeting, 75 attended the second, 25 attended the third and 60 attended the fourth.

57.33% of responses were against the proposal for all children in North Yarmouth to attend a single, larger school on the North Denes site, while 42.21% supported this proposal. 0.47% gave no view.

My decision to move to Public Notice (Stage 3) had been made after careful consideration of a number of factors, including demographics, use of council resources, Ofsted inspection results and best use of the available space. This is set against the County Council's structural policies agreed in May 2015 and reaffirmed in September 2017, by the Children's Services Committee, as follows:

- Promoting school groupings with a minimum of two forms of entry for primary schools, to ensure sufficient capacity and funding for sustainable leadership models.
- Where possible, move to all through primary model (including on multiple sites) to reduce the number of transitions for pupils.
- Giving preference to models with full forms of entry or, where this cannot be achieved, ensure mixed age classes with no more than two year groups in any one class (e.g. Year 1 and Year 2 or Year 5 and Year 6).
- Ensuring that management partnerships move to a single governance model within six terms (two years).
- Local Authority capital deployment is aligned to these principles.

Stage 2 and 3 statutory consultation

Following the initial consultation period (Stage 1), as Executive Director of Children's Services, I agreed to proceed to statutory Public Notice (Appendix 4) to close Alderman Swindell Primary School and extend the age range of North Denes Primary School.

In taking that decision, I considered the educational advantages of the proposal weighed in favour of the argument and concluded that this proposal should proceed to the publication of public statutory notices and Stage 3 consultation.

The Public Notice was published on 8 September 2017 and copies of the notice were displayed at the school gates, on the Norfolk County Council website and published in the Great Yarmouth Mercury newspaper, in line with regulations. The four week representation period ended on Friday 6 October 2017.

Stage 4

This Determination Report, is to be read in conjunction with the prescribed information for each school (Appendix 5) and the report prepared for me, as Executive Director of Children's Services, requesting permission to proceed to Public Notice (Appendix 2) will address each factor in turn.

1.2 Representations:

I have considered the responses that have been submitted during the Public Notice period.

- **516 online representations were received. (21.71% agreed with the proposal and 78.10% did not).** The responses were from the following groups (it should be noted that respondents can indicate they belong to more than one group):
 - 14 pupils
 - 137 parents
 - 2 PTA members
 - 69 members of staff
 - 8 school governors
 - 288 local residents
 - 19 local businesses
 - 2 local sports groups
 - 23 local community groups
 - 31 did not answer
- **6 written responses (5 disagreed with the proposal and 1 gave no view)**
- **The Chairman of the Children's Services Committee, at its meeting on 26 September 2017, received a petition containing 1032 signatures from the Chair of Governors of Alderman Swindell Primary school objecting to the proposed closure of the school. 1644 people registered their support for Alderman Swindell Primary School on the Change.org web site. 526 were from people living outside Norfolk.**
- **707 flyers, produced by Alderman Swindell Primary School (all disagreed with the proposal apart from one sent independently to the County Council).**
- **171 flyers, produced by Alderman Swindell Primary School, were completed by pupils, to enable them to air their opinion. All disagreed with the proposal with the exception of 14 pupils.**

I am also aware of the significant 'Save our School' campaign, run by Alderman Swindell Primary School which has had an impact on the balance of view of those for and against the proposal.

In general, those that supported the proposal stated;

- It is common sense to have one fit for purpose school serving all the children and families within the community.
- It will give the children from Great Yarmouth a better learning environment and have pride in their school.
- A new school with all the new facilities for the children at North Denes is much needed.
- The children of Great Yarmouth need to be taught in the best that the government/county can offer.

In general those that disagree with the proposal stated;

- Alderman Swindell performs really well – it's a good school.
- Be a nightmare traffic wise around North Denes site.
- My child would not cope in a bigger school.
- The teachers are lovely and do their very best for the children.
- A fantastic school.
- Swindell is a small, friendly and comfortable school for young children. Placing them in a larger school with older children would be frightening.
- Keep children at Alderman Swindell until new school built.
- Impact on house prices.

The comments made in relation to disagreeing with the proposal are, in the main, resubmitted comments received during the informal consultation period.

No new evidence has been received to discontinue with this proposal.

However during the Public Notice period, there have been a few specific responses which focused on;

- A challenge to the process (four responses, all making the same point)
- Information within the prescribed information (two responses from the same person)

The challenge to the process relates to a misunderstanding of the DfE guidance. Local authorities do not have to specify a school closure until the Public Notice stage (Stage 2 and 3). The challenge has been that it should have been made at the Informal Consultation stage (Stage 1) – this is not the case, although there is much evidence, such as the Save Our School campaign, to show that the implications of closure did come up in the Stage 1 consultation.

Information within the prescribed information have been challenged by the Headteacher, Alderman Swindell Primary School as follows;

- Freedom Of Information request for further evidence of Capital Priorities Group decisions on funding,
- Complaint letter setting out same points within Freedom of Information, as well as questions against all sections of the prescribed information.

Responses from key stakeholders

A response was received from the local County Councillor Mick Castle (Appendix 6) who fully supports the proposal.

A response was received from Brandon Lewis, MP, (Appendix 7). Whilst he supports the aim to ensure Great Yarmouth has access to the very best possible educational provision, he also raised concerns;

- that the issues raised by the community during the consultation are addressed, respected and answered prior to the final decision.
- clarity is needed on the final plans for Alderman Swindell site.
- any decision is based on up to date, relevant educational data, which should be made public.
- disruption to pupils is kept to a minimum or does not take place until new school built.

Representations from Unions (NAHT, Norfolk NEU, NUT Section and Norfolk NASUWT) were also received, which included the following issues (Appendix 8);

- The school organisation process not following the statutory guidance.
- Reasons for school closure and education.
- Pupil numbers, admission, moving children before new building is in place and the implementation date of September 2018.
- Impact on the community.
- Implications for staff.
- Support for the Alderman Swindell site being used for children not currently accessing mainstream schools.

I have considered the representations made during the consultation and I am very aware of the passion and support for keeping Alderman Swindell Primary School. However, my role as decision-maker is to look dispassionately at the case for school organisation, to ensure that the County Council does what is best for children in the area now and in the long term. My experience of school organisation in the past has shown where the future provides a substantially better building, the education experience is improved.

I acknowledge that there are very strong community attachments to the school and many people will be sad to see it close. It is rare to propose any school closure and for that not to be the case. However hard it is to accept, I believe that any objective analysis of the evidence weighs the decision clearly in favour of a closure of Alderman Swindell Primary School. The opportunity to create a new, fit for the 21st Century 420 place North Denes Primary school building in Yarmouth is too good to reject in the face of that evidence.

I have read the responses detailing specific concerns about the future use of the Alderman Swindell building. I understand there will always be sadness when we decide to close a school. However I am confident that the County Council will shortly confirm, through appropriate procedures, that the Alderman Swindell site will be retained for educational use. This will enable more children in Great Yarmouth to be taught in their local community.

2. Education standards and diversity of provision

Norfolk County Council's duty is to carry out its functions in such a way as to promote high educational standards. Its commitment is for there to be a 'Good Education for Every Norfolk Learner' and this commitment shapes all its decisions.

Improvements to school buildings can also contribute to improvements in educational attainment, by providing 21st century learning and working environments. The new school accommodation proposed on the North Denes site will provide modern facilities to support learning and give opportunities for the wider community to use the building e.g. hall, sports facilities.

Our proposal to close Alderman Swindell, as opposed to North Denes Primary School is based on:

- Of the two sites, Alderman Swindell is constrained and could not accommodate a 420 place primary school, quite apart from further expansion to provide sufficient pupil places for the future.
- The capital funding allocation for the improvements to both school buildings could be pooled to build a new primary school building on the North Denes site, providing a modern school fit for 21st century learning.
- Of the two schools Alderman Swindell has been judged by Ofsted as Requiring Improvement in both of its most recent inspections (December 2013 and March 2016) and making insufficient progress in both monitoring visits (April 2014 and October 2016). Intervention Service support was offered to the school.
- North Denes Primary School was judged Good by Ofsted in 2014. North Denes received a 'Coasting' letter from the Regional Schools Commissioner January 2017. However Norfolk County Council's unvalidated progress figures for 2017 show improvement and are now average in all subjects, which means that the school is unlikely to be considered a coasting school based on 2017 outcomes.

Both schools are community schools and the designated catchment school (Great Yarmouth Charter Academy) is an academy sponsored by the Inspiration Trust and so the diversity of provision in the area will not change.

Once the decision is made, Norfolk County Council will put in place support for the implementation of the proposal immediately, from November 2017, to manage the transition for pupils and staff by September 2018. The Governing body has the responsibility to oversee the transition arrangements, however the School Significant Change Board, chaired by the County Council will support this process as well as maintain a focus on ensuring schools safeguard standards and continued improvement during this period of change.

Alderman Swindell Primary School currently employs approximately 42 members of staff. This figure includes all teaching and non-teaching staff currently on the pay roll at the school whether in a full or part time capacity. When the school closes, staff may be at risk of redundancy, but all options will be explored as an alternative to compulsory redundancy. Norfolk County Council will work with affected staff and with unions to consider all possible options to minimize the impact on staff, including:

- Voluntary redundancy
- Redeployment
- Signposting to vacancies
- CV skills and application support

- Training
- Placements
- Support for non teaching staff
- Access to dedicated HR advisor throughout the process
- Link with local schools

3. Demand

This proposal ensures a sufficient supply of school places and the new school building will be capable of further expansion if/when pupil numbers in the area rise significantly.

4. School size

The new larger primary school on the North Denes site will initially be for 420 children aged 2 – 11 with 60 pupils in each year group and will include provision for pre-school children. The school will be capable of further expansion if/when pupil numbers in the area rise significantly.

5. Proposed admission arrangements

The admission number for the school on the opening date will be 60 and will be expected to follow the Local Authority's standard policy for pupil admissions.

All parents of children at Alderman Swindell Primary School will be invited to express their preference and this will be considered in accordance with each school's published admission arrangements.

6. National Curriculum

All local authority maintained schools must follow the National Curriculum.

7. Equal Opportunity issues

An Equality Impact Assessment (EQIA) has been carried out and is attached (Appendix 9).

8. Community cohesion

Norfolk County Council is committed to improving community cohesion and ensuring there is cultural respect and tolerance between groups of people living within a community, through its duty under the Equality Act 2010.

The impact of a decision to close Alderman Swindell Primary School on the local community cannot be underestimated and such decisions are only made if they are in the best interests of the children, now and in the future, are concerned. Both are much loved schools in the local community and many in the Alderman Swindell School Community will be significantly affected by this proposed change, particularly the children currently in the school.

Norfolk County Council will work pro-actively with all stakeholders to mitigate the impact and support staff, pupils and parents as best we can. Our priority is to make a decision that is best for the children's education both now and in the future.

9. Travel and Accessibility

Norfolk County Council will continue to provide transport to those eligible under their statutory requirements.

In relation to the proposed new building on the North Denes site, throughout the design process we have been talking to the Highways Agency about access to the current site. As things stand the current access is regarded as being suitable for a 420 place Primary school but it is acknowledged that the access is not ideal. Should we seek to expand the school in the future we would almost certainly be required to upgrade the access. Therefore as part of the design process we are in dialogue with local landowners and the Borough Council to seek solutions which will allow the access to be improved.

10. Funding / capital

The current estimated cost of the new school building on the North Denes site is £7.25m. This is available in the approved Children's Services school capital budget.

The capital investment for Great Yarmouth was made by Norfolk County Council in April 2014. The published Children's Services capital programme identified at this time a block budget to deliver the change of age range for all schools in the town.

Since this time, there has been regular reporting to Capital Priorities Group on development of projects and funding allocations for individual schemes, as part of the Group's monitoring role.

The authority, and from that the decision to allocate funding (in this case, changing to pooling for use on one site) derive from this policy.

The Capital Priorities Group is a member led group with the responsibility to;

- to consider and scrutinise the planning and implementation of Norfolk County Council's Children's Services capital programme
- to contribute on a confidential basis to discussions about priorities for capital expenditure
- to develop consistent prioritisation criteria for capital expenditure and advise the Director of Children's Services on recommendations to be made to Committee
- to monitor capital building programmes
- review the effectiveness of capital prioritisation and adapt criteria accordingly
- to report the work of the group to Children's Services Committee through reports, in accordance with the annual pupil place and capital planning cycle
- to appoint a named substitute for each constitutional position of the Group

11. School premises and playing fields

Suitable outdoor space will be available as previously, to enable children to play safely outside.

There are a number of factors specific to discontinuance (closure) proposals:

12. Closure proposals (under s15 EIA 2006)

There is sufficient capacity on the North Denes site to accommodate the pupils from Alderman Swindell Primary School.

As at September 2017, (rolling forward the May 2017 numbers on roll and adding in the September reception intake), there are currently:

- 196 pupils at Alderman Swindell School
- 246 pupils at North Denes Primary School.

We are expecting a total of 425 places in September 2018, because the current Year 6 children will move to High School and there are fewer children expected at Reception. The pupil numbers decrease in 2019 to 421 pupils and by 2020 onwards, forecasts show that pupil numbers will be below 420.

Whilst we recognise that Alderman Swindell Primary School is popular with parents, it is the Local Authority view that the school is not delivering sufficient quality of education, as recognised by two Ofsted inspections (April 2014 and October 2016) which graded the school as Requiring Improvement and two monitoring visits (December 2013 and March 2016) which evidenced insufficient progress.

13. Schools to be replaced by a more successful/popular school

This is not the rationale for this school closure proposal by Norfolk County Council in North Yarmouth.

14. Schools causing concern

Alderman Swindell Primary School is a school causing concern. Following the last Ofsted monitoring visit in October 2016, the Local Authority's Intervention Service has been actively working with the school, to address the evidence by Ofsted that the school was not taking effective action. The school deferred this support in favour of directing their energies into the save the school campaign, rather than address the quality of education for the pupils currently in the school.

Norfolk County Council is aware that North Denes Primary School has been categorised by the Regional Schools Commissioner as a 'Coasting school'. However Norfolk County Council's unvalidated progress figures for 2017 show improvement and are now average in all subjects, which means that the school is unlikely to be considered a coasting school based on 2017 outcomes.

15. Rural schools and the presumption against closure

Alderman Swindell Primary School is designated by the Department for Education as 'urban city and town', therefore this factor is not relevant in the school closure proposal by Norfolk County Council in North Yarmouth.

16. Early years provision

There will be provision for Early Years at North Denes Primary school. The additional capital programme at North Denes Primary School, for a new single, larger school will re-provide nursery places discontinued as a result of a decision to close Alderman

Swindell. The Local Authority's sufficiency duty will be met by the provision of places on an alternative site.

17. Nursery schools and the presumption against closure

Alderman Swindell Primary School is designated as a community primary school for pupils aged 3 – 11, and is not a designated nursery school.

18. Balance of denominational provision

This proposal has no effect on the balance of denominational provision in Great Yarmouth.

19. Community Services

The closure of Alderman Swindell Primary School will impact on the additional services accessed through the school, as well as the use of the school out of hours, by community groups. However the provision of the new school building on the North Denes site, with community facilities, will provide an updated venue for use.

As part of the transition arrangements, North Denes Governing Body and the School Significant Change Board, will be encouraged to look at the current provision of additional services and community groups at Alderman Swindell, to see if these can be transferred to North Denes.

My conclusion and recommendation

- **That the proposal to close Alderman Swindell Primary School and to extend the age range of North Denes Primary School and from 1st September 2018, should proceed.**

The Proposal:

Part 1 - to close Alderman Swindell Primary School on 31 August 2018

Part 2 – to extend the age range of North Denes Primary School to admit pupils from the age of two from 1 September 2018

Determination Notice

I hereby **approve** this proposal to close Alderman Swindell Primary School and to extend the age range of North Denes Primary School. The reasons for this decision are that:

- The statutory procedural requirements under sections 15 (1) and 19 (1) of the Education and Inspections Act 2006 have been met;
- The proposal meets the criteria laid down in statutory guidance in relation to the likely impact of the proposal on standards and school improvement, local choice and diversity, surplus places, community cohesion and race equality;
- The views of all interested parties, including those most likely to be affected, have been fully considered.

Signed: 

Date: 20 October 2017

Matt Dunkley, Executive Director of Children's Services, Norfolk County Council