

## DETERMINATION

**Case reference:** STP/000240

**Referral body:** Hertfordshire School Organisation Committee

**Statutory proposal:** To (i) discontinue Chaulden Infants' and Nursery School and Chaulden Junior School and (ii) make prescribed alterations to Pixies Hill Primary School

**Date of decision:** 20 July 2007

### Determination

**Under the powers conferred on me by The School Organisation (Transitional Provisions) (England) Regulations 2007 I hereby reject the proposal to (i) discontinue Chaulden Infants' and Nursery School and Chaulden Junior School and (ii) make prescribed alterations to Pixies Hill Primary School.**

### The referral

1. The Secretary of Hertfordshire School Organisation Committee ("the committee") wrote to the Office of the Schools Adjudicator on 31 May 2007 referring to a proposal by Hertfordshire County Council, the local authority ("the LA") to (i) discontinue Chaulden Infants' and Nursery School and Chaulden Junior School ("Chaulden schools") and (ii) make prescribed alterations to Pixies Hill Primary School ("Pixies Hill").

### Jurisdiction

2. In a notice dated 28 February 2007 the LA published a proposal to discontinue the Chaulden schools from 31 August 2008 and make prescribed alterations to Pixies Hill from 1 September 2008. The notice was in the necessary form as required by section 29 and section 28 of the School Standards and Framework Act 1998 ("the Act").

3. The proposal was considered by the School Organisation Committee (SOC) on 11 and 21 May 2007. The committee failed to agree unanimously to the proposal and the case was referred to me as an adjudicator. I am satisfied that I have jurisdiction to consider this matter under the relevant powers.

### Procedures

4. I have considered the proposal as required by regulation 14 of Statutory Instrument 2007 No. 1355 The School Organisation (Transitional Provisions) (England) Regulations 2007. I have considered the proposal afresh and have had full regard to the guidance given by the Secretary of State. As required by

Schedule 5 to the Act I have had regard to the relevant provision of: The Sex Discrimination Act 1975; The Race Relations Act 1976; and The Disability Discrimination Act 1995. I have also had regard to The Human Rights Act 1998.

5. I have considered all the papers put before me including the following:
- a. the agenda and supporting papers for the committee meeting of 11 May and 21 May 2007 and the draft minutes of that meeting;
  - b. prescribed information from the proposer as set out in Schedule 3 to the Education (School Organisation Proposals) (England) Regulations 1999;
  - c. copies of objections received after publication of the proposals and the proposers' observations on the objections and disagreements received;
  - d. representations from the LA, objectors and the schools, including responses to questions put by me;
  - e. Ofsted inspection reports for the schools;
  - f. information, including minutes of meetings, requested by me from the schools and LA.

6. I also visited on Thursday 5 July 2007 the three schools named in the statutory proposal. The purpose of the visit was solely to view first hand the school accommodation and the geography of the locality, and not to receive representations. I arranged an informal public meeting held at Chaulden Junior School on the same day. The meeting was attended by parents, pupils, staff, governors, officers of the local authority, politicians and other interested persons. I have considered the representations made to me at that meeting and subsequently.

### **The Proposal**

7. The proposal is to (i) discontinue Chaulden Infants' and Nursery School and Chaulden Junior School from 31 August 2008 and (ii) make prescribed alterations to Pixies Hill Primary School from 1 September 2008. The alterations are: an enlargement of the premises; an increase of 27 or more to the admission number; and the addition of a nursery class of 30 full time equivalent pupils. The proposed capacity is to be 450 and the age range 3 to 11 years. The explanatory notes include a reference to the two speech and language units currently located at the Chaulden schools. The units will continue without change and be administered under the governance of Pixies Hill.

### **Background.**

8. The LA conducted a review of primary school places in Hemel Hempstead and consulted on possible reductions to the number of places between 12 September and 4 December 2006. The consultation document

referred to a decline in the birth rate nationally, the existing surplus of primary places in Hemel Hempstead and the forecast of a further increase in this surplus in some parts of the town. The consultation document refers to the town as the north east, east, south east, west, and north west areas. The three schools that are the subject of the statutory proposal are in the west area. Not all the schools in the town were included in the consultation.

9. The consultation document says “When undertaking a review in an urban area with reducing pupil numbers, where possible the aim is to produce schools with 2 Forms of Entry (FE) which is the same as 60 places per year group. This is because, in the long term, the County Council sees 2FE schools as being the most sustainable in terms of pupil numbers, with regard to overall performance and value for money.”

10. The options for the schools (all to take effect from 1 September 2008) provided for consultation were:

- a. Option 1: Amalgamation all three schools to close on 31 August 2008 and a new 2FE primary school to open on the Chaulden site on 1 September 2008(recommended by officers);
- b. Option 2: Closure of Pixies Hill and amalgamation of Chaulden Infant and Junior Schools. All pupils attending any of the schools would be offered a place at the new Chaulden Primary School;
- c. Option 3: Closure of Chaulden Infant and Junior Schools, Pixies Hill to transfer to the Chaulden site all pupils from Chaulden to be offered a place at the relocated Pixies Hill School.

11. In each option children attending the speech and language units at the Chaulden schools would be offered places in units in the new or enlarged school.

12. The responses to consultation showed that all three options were greatly disliked, with option 1 the least disliked. The schools did not like any of these options and suggested option 4: “To reduce the published admission number of Chaulden Infant School and Chaulden Junior School to 1 form entry”.

13. The education panel of the LA at their meeting on 15 January 2007 agreed to recommend option 3 to the Cabinet. The cabinet agreed on 5 February 2007 the publication of a statutory notice relating to option 3. The minutes of these meetings do not give any reasons for the decision to adopt option 3. A letter from the executive member for education written on behalf of the cabinet to one set of parents says in response to their query as to why option 3 was chosen “The reason for this is quite clear. A number of representations were made to me during the consultation that Pixies Hill was only included in the review because of its location – were it further away from the west, given the fact that it is full and successful it would not have had to be part of the review; on the other hand the Chaulden schools – because of their undersubscription – would always have been likely candidates for a review. I therefore feel that as the physical location of the Chaulden heritage children will continue to be on the Chaulden site, this outcome is the most just.”

14. In September 2006 Chaulden Infants' and Nursery School had 93 pupils on roll, Chaulden Junior School had 97, and Pixies Hill Primary School had 204. There were 10 children attending the speech and language units at each of the Chaulden schools. The Chaulden schools and Pixies Hill are 343 metres apart.

### **The Objection**

15. The draft minutes of Hertfordshire SOC indicate that one group - the LA - voted in favour of the proposal, one group - the schools - voted against, and two groups – The Church of England and the Roman Catholic - abstained. The minutes do not record the reasons why the groups voted as they did.

16. I have considered the proposal afresh and taken into account all the material available to the SOC, written and oral representations made directly to me, the extra information requested by me and the answers to questions put by me.

17. In response to the statutory consultation the LA received 21 individual relies, 65 copies of one letter and 79 copies of another. In summary, the main objections are:

- a. a lack of evidence that educational standards would be maintained or raised in the new school;
- b. a school of 420 pupils plus a nursery is too large;
- c. the loss of the successful management teams in the schools;
- d. the loss of the schools' distinctive ethos;
- e. too little financial information available and not a good use of public money;
- f. no confidence that the particular expertise of the Chaulden staff would be retained.

### **Consideration of Factors**

18. In considering the proposal and the material made available to me, as required, I have taken into account the statutory guidance for decision makers.

#### Standards of Education

19. The report to cabinet states that the proposal is not based upon standards, but upon surplus places. Nevertheless, proposals must be considered with respect to their impact on standards of education.

20. The impression from some of the papers that Pixies Hill is a good school and the Chaulden schools are less good is not supported by the most recent Ofsted inspection reports. I can find no reason to choose to close one school rather than another on grounds of the quality of education they currently provide and the standards achieved by their pupils. Parents from all the schools have also made plain to me how pleased they are with the provision at the schools.

They like the overall education their children receive and the ethos of the schools. The work of the speech and language units and the nurture class receives particular praise.

21. The LA has a policy to have 2FE schools where possible which they assert provide a better quality of education than 1FE schools. An objection to the proposal is the lack of evidence from the LA about raising standards in a bigger school.

22. The LA has not cited specific evidence for this, but has referred to problems when 1FE schools lose pupils. Although it is generally accepted that a primary school rather than separate infant and junior schools usually aids continuity in children's learning, provides more opportunities for staff, avoids the need for parents to apply for a place at the junior school and is helpful to parents in having only one school office point of contact, consistent holiday dates and so on these potential advantages have not been spelled out as possible positive aspects of part of the proposal.

23. In the discussions between the LA and Pixies Hill after the education panel meeting the governors agreed to support the inclusion of the speech and language units and nurture group in the proposed enlarged Pixies Hill and to take over the nursery. The closure of the Chaulden schools and enlargement of Pixies Hill does not guarantee that the expertise of staff currently available at the Chaulden schools will be transferred, although it is clearly intended that many of the staff would be recruited if they apply for the posts, but uncertainty is inevitable. The Chaulden staff include those with specific expertise in working with children in the nursery, nurture group and the speech and language units, but also the class teachers who work with these children integrating them into class activities when appropriate. There can be no guarantee that the proposal would improve standards of education and some risk that it might, at least in the short term, have an adverse effect.

24. I have not been persuaded that I should support the proposal on educational grounds.

#### Need for places

25. Pixies Hill has a published admission number (PAN) of 30(1FE), Chaulden Infants a PAN of 50 and Chaulden Juniors a PAN of 60, thus the Chaulden schools provide 1.9FE places. At first sight looking at the PANs and the number of pupils on roll I can understand why the consultation offered options that reduce the number of places across the three schools by 0.9FE.

26. However, on visiting the schools I quickly observed that the Chaulden schools cannot be properly described as half empty. The Infants' and Nursery School does not have 50 children in each of Reception, Year 1 and Year 2 classes, but it does provide the space for nursery places, a nurture group and a speech and language unit. Similarly, the Junior School provides space for the speech and language unit. Indeed, for the published proposal to be implemented temporary accommodation would be needed and building work undertaken for permanent additional accommodation to provide sufficient places. Although a high level of surplus places at the Chaulden schools seems

to be have been recorded for many years this has made accommodation available for the speech and language units, nurture group and nursery. In order for the 1.9 FE school to become a 2 FE school of which the nursery, units and nurture group would be part there is reference to temporary accommodation and to building work at a cost of £2m. As yet there are no detailed plans for this and planning consent has not been sought, but the estimate of £2m implies rather extensive work and more than might be expected if it were simply a case of providing enough workspaces to increase from 1.9 to 2 FE.

27. Furthermore, there are conflicting views about whether proposals for new housing in the Dacorum Borough Council area will or will not have any impact on the need for school places in the area served by the three schools. The papers I have seen state that at present it is not possible to say places will be needed or that they will not. While uncertainty remains, it seems curious to me that the LA should press ahead with the proposal.

28. On paper the move of Pixies Hill to the Chaulden site and its enlargement from a 1FE to a 2FE with the removal of the 1.9FE places by closing the Chaulden appears to meet the need for the removal of surplus places. I am not satisfied, however, that this simple numerical exercise reflects the reality at the schools in taking sufficient account of the current use of the buildings and future needs.

### Finance

29. The prescribed information for Pixies Hill says “The proposals were not designed nor intended to make saving to the individual schools budgets but rather enable the redeployment of the existing funding in a more effective way”. Inevitably, the reduction from three schools to one would provide financial savings in the running of the school. Also, a larger school would be less susceptible to small changes in the number of pupils on roll in future years. In terms of running costs the proposals make sense.

30. The prescribed information for Pixies Hill also says “Any capital cost will be met from the appropriate capital receipts, supplemented, if necessary, from the County Council’s capital budget”. Details of the cost of establishing the proposed enlarged school are not included, but in other papers I note that a cost of about £2m is cited for the temporary and permanent accommodation. As yet no detailed plans have been drawn up so the costs must be just an estimate. Similarly, no detail is given of exactly what would constitute “the appropriate capital receipts”.

31. I understand the difficulty in discussing the details for proposals that seem to be universally unpopular with the schools, parents and local residents. However, I am not persuaded that sufficient attention has been give to financial matters to provide reasons for me to approve the proposal.

### Views of Interested Parties

32. The LA consulted widely about the options for removing places in west Hemel Hempstead. A consultation document was circulated and meetings

were held at which views of interested parties were gathered. Written comments were sent to the LA and correspondence continued during the period when councillors considered the responses to the initial consultation.

33. There were objections to the proposal when the statutory notice was published and those objections were considered by the SOC.

34. The response to consultation revealed a lack of support for any of the proposals, rather they were all greatly disliked. There were 628 responses including 168 forms produced by Pixies Hill that were “sign only” and opposed all three options. Respondents were asked if they agreed, disagreed or didn’t know for each option. The results of only 23, 6 and 9 respectively agreeing with each option contrast starkly with 342, 362 and 356 disagreeing and 4, 5 and 3 don’t knows. The responses to the statutory notice showed continuing opposition as have the many written and oral representations made directly to me.

35. The requirements for consultation have been met and interested parties have made their views known.

#### Balance of Type of Schools

36. All three schools are community schools and the closure of two of the schools and the alterations to the third would mean that there would be no significant change in the proportion of community school places available.

#### Community Cohesion

37. My reading of the official papers, minutes of governors’ meetings and the many responses to the consultation, statutory notice and directly to me suggest that the schools and parents have a co-operative attitude towards each other. However, they are clear about the differences between the schools, the distinctive ethos of the schools and the parents know which school they prefer for their children. There is no support for one 2FE school instead of the two smaller schools.

38. As I have read the statutory objections and correspondence addressed directly to me and listened to the contributions at the public meeting and the response of others, I have thought very carefully about the effect of the proposal on the cohesion of the community and the impact of those campaigning against the proposal on future relations in the community. I am not persuaded that if the proposal were implemented there would be undue tension or difficulties between the communities. Rather the current provision meets different needs and the community cannot see any benefit in the proposal.

#### Other

39. Although the Chaulden and Pixies Hill sites are very close together, some of the representations point out that they are separated by a busy road and the Chaulden site already struggles to cope with the traffic for the schools. Access to the Chaulden site could perhaps be improved as part of the modifications needed to implement the proposal and arrangements could be

made to assist crossing the road between the two schools. The maps I have seen showing the home of pupils and the school they attend suggest that already there is much crossing of the road to reach the particular school parents prefer and that to have all the pupils attending the enlarged Pixies Hill on the Chaulden site would have relatively little net impact provided they all walk to school. Vehicular access might be a problem, but cannot be assessed in the absence of plans for changes to the site. Overall, I am not persuaded that issues of access to the proposed enlarged Pixies Hill lead me to reject the proposal, neither do I have sufficient evidence to be confident that there would not be any safety issues.

40. I have considered the answer given in correspondence with parents (as described above) to the question as to why the education panel and cabinet choose option 3. I am not persuaded that the reasons given are sufficient to justify the decision.

41. Before the proposal could be implemented, planning permission is required for the buildings. If I were minded to approve the proposal it would be conditional on gaining the necessary planning permission.

42. The timescale for designing the necessary accommodation, obtaining planning permission and completing the building means an implementation date of September 2008 is unrealistic. The most recent communication I have received from the LA confirmed that if I were minded to approve the proposal implementation would need to be delayed until September 2009. In these circumstances I would have to make a modification to the proposal.

## **Conclusion**

43. Proposals to close or change schools are rarely popular, but it is not the level of popularity that should determine the outcome. The views of interested parties must be taken into account together with all the other factors given in the statutory guidance. The reasons for a proposal, the evidence to support recommendations by officers and decisions by elected members, and planning for implementation should provide the evidence on which an impartial decision can be taken.

44. I have considered the proposal afresh as required. On educational grounds it is my opinion that the closure of the Chaulden schools and the transfer of Pixies Hill to the Chaulden site are unlikely to have a significant positive effect on the quality of education and could even be detrimental. No case has been made for any benefits to the Pixies Hill children, but they would suffer disruption and provision currently available at the Chaulden site may suffer, particularly if the expertise of the Chaulden staff were to be lost. There would be savings in running costs, but significant expenditure is required to enlarge the accommodation on the Chaulden site. Some places would be removed, but others would be created. I have noted the views of interested parties and the considerable opposition to the proposal. I have also noted that limited planning has taken place to date, no planning permission has been obtained and a delay of one year would be necessary for implementation bringing with it further uncertainty.

45. Having considered all the material I find on balance there is too little to convince me that I should approve the proposal and rather more about it that causes me concern. I have therefore concluded that I should reject the proposal.

### **Determination**

46. Under the powers conferred on me by The School Organisation (Transitional Provisions) (England) Regulations 2007 I hereby reject the proposal to (i) discontinue Chaulden Infants' and Nursery School and Chaulden Junior School and (ii) make prescribed alterations to Pixies Hill Primary School.

Dated: 20 July 2007

Signed:

Schools Adjudicator: Dr Elizabeth Passmore