

CABINET – 24 MAY 2011

CULHAM PAROCHIAL PRIMARY SCHOOL – DECISION ABOUT WHETHER TO CLOSE THE SCHOOL

Report by Director for Children, Young People & Families

Introduction

1. In response to concerns about the future viability of Culham Parochial School, a consultation about the school's future was undertaken during November and December 2010. The consultation prompted a large volume of contributions and correspondence which was overwhelmingly against closure of the school but which generally failed to provide the means whereby the future of the school could be secured. An exception was the response from the reinvigorated governing body which had sought to address the underlying reasons for the initial closure proposal.
2. Although the governors were unable to present an adequately robust 'recovery plan' to assure the Cabinet that the school should continue to be maintained by the Council, Cabinet resolved: to defer the decision on whether to publish a statutory notice for the closure of Culham Parochial Primary School to the March Cabinet meeting to allow time for the following conditions to be met:
 - (a) a suitable Headteacher appointed for 1 September 2011 or earlier, or, a "hard federation" agreed with another primary school offering long term continuity of leadership;
 - (b) to demonstrate over a 3 year period that they can deliver a sustainable and balanced budget; and
 - (c) to demonstrate sustained demand for consistent pupil numbers above 40.
3. At the 15th March Cabinet the school's governors presented evidence of progress towards addressing (a) to (c) above. However, at that stage, the 'recovery plan' did not yet provide sufficient assurance of success and so it was decided to proceed with the publication of a statutory notice to close Culham Primary Parochial School with effect from 31st August 2011. Cabinet emphasised that the opportunity remained open for the three conditions previously set by the Cabinet to be fulfilled prior to the production of the report to Cabinet in May.

Background

4. Culham Parochial School is a small rural primary school and, as such, there is a presumption against closure. In taking any decision to close such a school the Cabinet needs to explicitly consider a number of prescribed matters and these are dealt with below.
5. The publication of a Statutory Notice affords interested parties and members of the public an opportunity to make 'representations' which need to be considered as part of any decision to close a school and these are summarised below.

Exempt Information

6. None.

Assessment of governors' 'recovery plan'

7. Since the March Cabinet meeting governors have worked, with support from Council officers, to produce a robust 'recovery plan' which will satisfy Cabinet that the school has a secure future and that the conditions which led to the initial closure proposal no longer pertain. An assessment of the plan is made against each of the conditions set out in paragraph 2 (a), (b) and (c), above.

(a) Long term continuity of leadership

8. Since the initial closure proposal two attempts have been made to recruit a substantive headteacher for the school. On each occasion applications were received, a short list of apparently suitable candidates drawn up and interviews held. Two Council officers attended each interview and offered advice to governors on the suitability of candidates. In neither case did the interviewing governors feel that they could recommend to the whole governing body a candidate for appointment.
9. In the meantime the school has been competently led by two acting Headteachers, the most recent of who has been approached by governors with a view to his continuing to lead the school for the duration of the implementation of the 'recovery plan' upon which governors have been working. He has agreed to remain at the school, should it be decided not to close it, and to undertake the necessary training and assessment to obtain the National Professional Qualification for Headship (NPQH) which is an essential prerequisite for being appointed as substantive headteacher. The governors have engaged, at the school's expense, an experienced headteacher (who is currently the School Improvement Adviser) to act as mentor.
10. This arrangement clearly does not meet the letter of the condition prescribed by the Cabinet in February 2011 and, if implemented, would constitute a further period of interim arrangements. There can be no guarantee that the acting headteacher will achieve NPQH nor that he will remain with the school

for the 3 year duration of the recovery plan. It is officers' assessment that he is capable of providing the school with the leadership that it needs. This view is endorsed by the recent Ofsted inspection which noted that "the present acting headteacher, with the considerable support of the local authority, has ensured that the school has made all possible efforts to maintain its strengths and seek improvement in areas of priority."

(b) A sustainable and balanced budget over a three year period.

11. Council Finance officers have worked with the Chair of Governors on the construction of a three year budget covering the period 2011/12 to 2013/14, using the 2010/11 actual out turn figures as a starting point. Assuming pupil numbers rise to 46 (a figure slightly in excess of the September 2009 peak of 44 pupils and the more typical 40 or so seen in September 2006 and 2007) it is possible to produce a broadly balanced budget. The overall out turn is very sensitive to variations in pupil numbers with each one worth approximately £2,500 per annum.
12. Unfortunately for the school, anticipated increased funding from higher pupil numbers is partially offset by assumed reductions in grants and the 'minimum funding guarantee' and low levels of 'pupil premium' linked to the very low numbers of pupils entitled to free school meals. In producing the budget, expenditure has been pared back as much as possible leaving little or no flexibility to deal with any unforeseen expenditure that may arise.
13. However, although an in-year balanced budget based on 46 pupils looks achievable, this would still leave a carry forward deficit of c.£25,000 even if the Oxford Diocese's previous offer of £20,000 is forthcoming (i.e. a cumulative deficit of c.£45,000). Unless it can be demonstrated that the school is able to raise an additional £25,000, there is very little evidence to suggest that the school will be able to return an overall balanced budget within the three year period. To date the governors have received written commitments for c.£16,000 which are thought to be contingent upon confirmation of the school's future beyond August 2011.

(c) Sustained demand for school places in excess of 40

14. Since the possibility of closure was first mooted in Autumn 2010, the number of pupils on the school roll had fallen from over 40 to 23 with disproportionately high losses from older year groups. The numbers have subsequently risen to 26 (as of 9th May). The school has also been approached by parents of two children allocated places at other schools for September 2011 starts (Reception Year) and of two others who have expressed interest in places in older year groups. If there are any additions to the school roll prior to the Cabinet meeting these will be reported orally.
15. As part of the 2011-12 admissions process, eight places at Culham Parochial School have been allocated: six to parents expressing a preference for the school and two as the nearest school with places available. Parents have up

until the 20th May to accept places offered and their responses to the offers will be reported to the meeting.

16. If all eight places are accepted and taken up this will give the following school roll (based on pupil numbers as of 9th May 2011):

| | | | | | | | | |
|------------|---|---|---|---|---|---|---|-------|
| Year group | R | 1 | 2 | 3 | 4 | 5 | 6 | Total |
| Number | 8 | 7 | 6 | 7 | 4 | 1 | 1 | 34 |

17. The governors have solicited written indications of parents' intentions to send their children to the school in future years if the threat of closure is lifted. For September 2012 admissions there are eight written intentions, and for September 2014 six. At the time of writing none had been confirmed for September 2013. However, it is likely that the school will be able to sustain an intake of eight children per year which is the school's Published Admission Number.
18. The challenge, therefore, is two-fold: improve retention into the older year groups and to attract 'mid-year' admissions into Years 1 – 6 in order to boost the January 2012 pupil count to a minimum of 39. Both would be made easier by greater certainty about the school's future combined with a strong focus upon improving pupil outcomes by the end of Year 6.
19. If the Cabinet does not believe that the 'recovery plan' presented by governors and assessed by officers is sufficiently robust then, prior to reaching a decision to close Culham Parochial School, a number of prescribed actions and specific issues must be considered. These are laid out and discussed below.

Summary of representations made to the Statutory Notice

20. Representations by category of respondent and support or opposition to the proposal are summarised in the table below.

9 responses, 8 of which objected to the proposal.

| Category of respondent | Number of responses |
|--|---------------------|
| Parent of child at Culham Parochial Primary School | 2 |
| Parent of child at another school | 2 |
| Parent of child at Culham Parochial Primary School and another school | 1 |
| Parent of child not yet at primary school | 0 |
| Staff/governor at Culham Parochial Primary School | 1 |
| Staff/governor at another schools | 1 |
| Staff/governor at another school and parent/carer of a child at another school | 1 |
| CE Diocese | 1 |

| Community value of the school | |
|---|---|
| The school is vital to its local community | 5 |
| Young families will leave/not move to the village | 1 |
| Value of local schools in general | 1 |
| Educational value of the school | |

| | |
|---|---|
| Culham provides a high quality of education | 5 |
| Culham meets demand for a small school – value of small schools | 1 |
| Shortage of good schools / alternative schools are not as good | 2 |
| Collapse of academy proposal removes alternative option | 1 |
| Traffic and travel | |
| Difficult for parents to transport children to other schools | 1 |
| Need for school places | |
| Population rising locally and beyond | 2 |
| Housing development in the area | 1 |
| Alternative solutions | |
| More effort needed to secure a headteacher | 3 |
| Current problems can be overcome by new governing body | 2 |
| Sufficient progress has been made against council's criteria | 1 |

The full comments made are available to Cabinet Members as a background paper.

Financial and Staff Implications

21. The school currently employs eight substantive members of staff on a mixture of permanent and temporary contracts. In the event of a decision to close the school the County Council, as employer, would use its best endeavours to secure suitable alternative employment for all of the staff. Although the Council can put forward staff to be considered for redeployment by other schools, it is the responsibility of the governing bodies of other schools to decide whether or not to make an appointment. Therefore, continuous employment cannot be guaranteed and any staff not securing alternative employment by the end of August 2011 (whether through redeployment by the Council or otherwise) would be entitled to a redundancy payment.
22. The maximum total cost of redundancy payments to be met by the Council is £48,783.85.
23. As discussed below, closure of the school might result in some Culham Village pupils becoming eligible for free home to school transport. This would be dependent upon them attending either their 'designated area' school (which will be Sutton Courtenay) or the nearest school with vacancies, if either is more than the statutory walking distance of 2 miles for children up to the age of 8 years and 3 miles for children aged 8 years and over. The gross cost of running a 15 seat minibus from Culham village to Sutton Courtenay would be approximately £90 per day (£17,100 per annum) based upon average tender costs over the past three years. However, there might be opportunities to offset some of this cost through charging concessionary fares for village children (those aged 8 years and over) who are not entitled to free home to school transport.

Equality and Inclusion Implications

24. An Equalities Impact Assessment has been undertaken and there are not considered to be any significant equality and inclusion implications arising from this proposal.

Legal Background

25. Closures of schools are subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended).
26. Local authorities also have a duty to have regard to statutory guidance, in this particular case '*Closing a Mainstream School: A guide for Local Authorities*', ("the Guidance").

Stage 4 – Decision

27. The Guidance states there are 4 key issues which the decision maker (The Cabinet) should consider before judging the merits of the proposal:
 - a. Is any information missing?
 - b. Has the statutory consultation been carried out prior to publication of the notice?
 - c. Does the published notice comply with statutory requirements?
 - d. Are the proposals "related" to other published proposals.

Consultation

28. The regulations do not prescribe how statutory consultation is carried out. Details of the stage 1 consultation carried out prior to the publication of the notice are included in the proposal (Annex 2), and the results were summarised in the report to Cabinet 16th February 2011 (Annex 3). On 24th March 2011 the statutory notice (Annex 2) was published on the OCC website and in the Oxford Mail, and displayed at the entrances to Culham Parochial Primary School and in the local library. The representation period lasted the statutory 6 weeks until 5th May 2011.
29. Statutory consultation was therefore carried out in accordance with the recommended time limits and prior to publication of the statutory notice.
30. If some parties submit objections on the basis that consultation was not adequate, the Cabinet may wish to take legal advice on the points raised. If the requirements have not been met, the Cabinet may judge the proposal to be invalid and should consider whether they can make a decision on the proposal. Alternatively the Cabinet may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposal as a whole.

Publication of Statutory Notice

31. As reported above, the statutory notice (attached as Annex 2) and statutory proposal were published on 24th March 2011 with a 6 week period allowed for representations which closed on the 5th May 2011.

32. The Cabinet should consider whether the notice complies with the statutory requirements as set out in the regulations. The notice was sent to the School Organisation and Competitions Unit at the Department for Education for checking, and confirmed as compliant.

Related notices

33. There are no other notices related to the closure of Culham Parochial School.

Views of interested parties

34. The Cabinet should consider the views of all those affected by the proposals or who have an interest in them. This includes statutory objections and comments submitted during the representation period. These are summarised in paragraph 9, and contained in full in the annexes and background papers. The Cabinet should not simply take account of the numbers of people expressing a particular view when considering representations made on the proposal. Instead the Cabinet should give the greatest weight to representations from those stakeholders most directly affected by the proposal.
35. In addition to the 4 key issues referred to above, the Guidance on considering proposals for school closures sets out a list of factors to be considered by decision makers, which should not be taken to be exhaustive (paragraphs 4.17 to 4.63 of the Guidance). A summary of the factors is detailed below along with officers' responses to each in respect of Culham Parochial School and establishes the case for closure:
36. **a** **The effect on standards, school improvement and diversity.** The government's stated aim is to create a dynamic system shaped by parents that delivers excellence and equality, closing weak schools and encouraging new providers and popular schools to expand. The Cabinet should be satisfied that the proposal will contribute to raising local standards of provision and attainment and consider the impact on choice and diversity. It should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities, children from deprived background and children in care.
37. Officer response: When Culham Parochial School was inspected by Ofsted in 2008 it was rated as "good". It was inspected most recently in March 2011 and had an overall judgement of 'satisfactory' with 'satisfactory' capacity for sustained improvement. The very small number of pupils at the school makes year-on-year comparisons based on KS2 results statistically unreliable although the Ofsted report judges "attainment by the end of Year 6 is average in English and mathematics". However, since 2008, the school has been without a permanent headteacher in post, and despite repeated efforts has been unsuccessful in recruiting a headteacher. The lack of a full-time permanent headteacher, and the budgetary difficulties resulting from falling pupil numbers, are not conducive to maintaining or improving standards.

The closure of Culham would reduce by one the number of Church of England schools in the area. However, as at the January 2011 pupil census the school had 27 children on roll (currently 26 having fallen at one stage to 23), this impacts on a relatively small number of pupils (1.5% of pupils at schools within a 3 mile radius).

38. The surrounding schools within a 3 mile radius, to which pupils are likely to be dispersed, are:
- Carswell Community Primary School (COM) – Satisfactory (2009)
 - Sutton Courtenay CE Primary School (VC) – Satisfactory (2010)
 - St Nicolas CE Primary School (VC) – Good (2009)
 - St Edmund’s Catholic Primary School (VA) – Good (2009)
 - Clifton Hampden CE Primary School (VC) – Good (2010)
 - Thomas Reade Primary School (COM) – Good (2009)
 - Caldecott Primary School (COM) – Good (2010)
 - Dunmore Primary School (COM) – Satisfactory (2009)
39. If it is concluded that Culham Parochial School is not sustainable it cannot be considered to be contributing to diversity of provision nor of offering parents a viable ‘choice’. There are equally or better performing church schools within a reasonable distance. In the case of closure additional pupils could be accommodated in Sutton Courtenay School and there would be no reduction in the number of pupils accessing a church school education. The current pupil population is predominantly white and there are none from economically deprived backgrounds (proxy measure = entitlement to Free School Meals).
40. **b. The need for places.** The Cabinet should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area.
41. Officer response: There is sufficient capacity in the local area to accommodate all displaced pupils. Across the schools within a 3-mile radius, as of the January 2011 pupil census there were 123 spare primary places (approx 7% of total capacity). However, due to rising pupil numbers in recent years, these spare places are disproportionately concentrated in older year groups. In year 2 there are 9 spare places available for the 6 Culham pupils; in Year 1 there are 6 spare places for the 6 Culham pupils. The only year where there currently appear to be insufficient spaces for displaced pupils is the Foundation Year, but sufficient places could be added to the nearest school (Sutton Courtenay CE Primary School) if required. This school is recruiting additional staff to accommodate already anticipated increases in pupil numbers and has accommodation which could be brought into use at short notice should there be a need for additional classroom accommodation.
42. **c Impact on community cohesion and race Equality.** In considering proposals for the closure of schools, the effect on families and the community should be considered. Community cohesion, race equality, accessibility and equal opportunities issues should be considered.

43. Officer response: It is recognised that the school is an important part of its local community, as the village has no other (non-church) meeting place, such as a village hall. The nearest other villages with village halls are Sutton Courtenay (2 miles), Clifton Hampden (2.7 miles) and Drayton (3 miles).
44. The Local Authority recognises the contribution that schools make to their local communities and this is reflected in the 'Primary Strategy for Change' where the aim is for a 'good school at the heart of the community'. Whilst consideration has been given to the impact closure would have upon the community, the Council cannot continue to maintain schools primarily for non-educational reasons. Community commitments to make greater use (and thereby financial contributions) to the school would help to address one of the key issues, the budget deficit, but have not been forthcoming.
45. Oxfordshire County Council has established a "Big Society Fund" against which communities can bid in order to help them establish viable alternative uses and/or funding streams for existing premises. If there is sufficient demand for a non-school community facility then it is possible that the school buildings could be used for this purpose. However, the buildings are the property of the Diocese of Oxford, and future use of the buildings will be a matter for the Diocese to determine.
46. **d Travel and Accessibility for All.** In considering proposals The Cabinet should be satisfied that alternative facilities should be accessible and that there should be no unreasonable extension to either travel to school times nor transport costs.
47. Officer response: Alternative provision for all pupils can be made available within 3 miles of the current school. It is recognised that parental choice may lead to some children travelling further.
48. Of the 24 children at Culham Parochial Primary School (as of March 2011):
- 14 live within Culham and would face longer journeys to an alternative school although these may be within the 'statutory walking distances' of 2 miles for children up to 8 years and 3 miles for 8s and over.
 - 2 live within Sutton Courtenay village but live closer to Culham Parochial Primary School than Sutton Courtenay Primary School, and would therefore face a longer journey to their nearest school (approximately 1.4 miles instead of 0.6 miles).
 - 4 live within Sutton Courtenay village (2 miles from Culham), and would be able to attend Sutton Courtenay Primary School, which would reduce their journey length.
 - 2 live within Drayton village (3 miles from Culham) slightly closer to Sutton Courtenay Primary School than Culham Parochial Primary School. Alternatively they may be able to attend Drayton Primary School, approximately 0.6 miles from their home.
 - 1 each lives within Abingdon and Aylesbury, and would be able to attend schools in their towns of residence, which would reduce their journey lengths.

49. Overall, 16 children will need to travel further if Culham Parochial Primary School closes, and 8 children will be able to attend a school closer to their home. The net effect will depend on parental choice as well as residences of pupils.
50. OCC's Home to school transport policy 2011-2012 states that '*Children attending the designated (catchment) school for their address are eligible for free transport if the distance from home to school is over the "statutory walking distance" of 3 miles if 8 or over or 2 miles if less than 8 and of statutory school age... It is measured along the shortest route along which a child, accompanied by a responsible adult, may walk with reasonable safety. The route may include footpaths, bridleways, and other pathways, as well as recognised roads. All such routes need to be open to the public. When there are issues raised over the possible safety of a walking route the Admissions Team will arrange for an initial assessment by the Integrated Transport Unit and if necessary a full risk assessment by Road Safety.*'
51. In accordance with this, free transport will be provided for children currently at Culham Parochial Primary School who, as a result of the decision to close the school, now need to attend a school beyond the statutory walking distance from their home. This is likely to include approximately 10 children who live in the Culham catchment area, while they are still aged under 8, but there will need to be detailed assessments based on actual addresses and journeys and whether parents express preferences for places at the nearest school to their home address.
52. **e. Alternatives to closure.** The Cabinet should consider whether, for instance, there is scope for federation with another local school or provision of alternative facilities for the local community which would contribute to the sustainability of the school.
53. Officer response: Prior to the proposal that Culham Parochial School be closed the governing body, supported by Council officers, sought on more than one occasion to agree federation with a local school. One proposal got as far as consideration by the two schools' governing bodies and, whilst endorsed by the governors of Culham Parochial School, was rejected by those of the proposed partner school. During the period since the initiation of the closure consultation in November 2010, governors made renewed efforts to identify a federation partner and, whilst it would have been possible to agree collaborative arrangements with one or more schools, a full federation was not possible.
54. **Special Educational Needs provision.** Culham Parochial School is a mainstream primary school without specialist SEN facilities (for example an attached unit). The proposals therefore do not change provision for special educational needs. For pupils with identified SEN, their needs, and any specified provision including that detailed in a Statement of SEN, would be met through placement in a suitable alternative mainstream school. At the January PLASC there was one child on roll with a statement of special educational needs.

CASE FOR CLOSURE

55. The presumption against closure of rural primary schools, as per the 'Designation of Rural Primary School (England) 2007), is only a recommendation and not a requirement in legislation. The Cabinet is referred to paragraphs 4.42-4.44 of the Guidance which sets out factors for decision makers to consider with regard to proposals to close a rural school. The case for closure *should* be strong and the proposals clearly in the best interests of educational provision in the area. As set out above, the Local Authority has provided evidence with regard to alternatives to closure (paragraph 17(e)), the transport implications (paragraph 17(d)) and the overall impact on the community (paragraphs 17(a) to (c)).
56. Provided the relevant factors, above, are carefully considered, a lawful decision to close a small rural primary school can be taken.

Next steps

57. If Cabinet agrees to the closure of Culham Parochial School this will take effect from 1st September 2011. If the decision is to continue to maintain the school it will be important to closely monitor its performance against the governors' 'recovery plan', in particular to ensure that forecast increases in pupil numbers materialise and that the budget plan is delivered.

DECISION

58. In considering the proposals for a school closure Cabinet can decide to:
- Reject the proposals;
 - Approve the proposals;
 - Approve the proposals with a modification (e.g. the implementation date); or
 - Approve the proposals subject to them meeting a specific condition (see the Guidance).

RECOMMENDATION

59. **The Cabinet is RECOMMENDED to:**
- (a) **Consider the governors' recovery plan and evaluate it against the three conditions detailed in paragraphs 2 (a) – (c) and decide whether it provides sufficient assurance to continue to maintain Culham Parochial School, and is therefore grounds to reject the closure proposal.**

Should Cabinet be of the opinion that the 'recovery plan' is inadequate in one or more respects then,

60. **The Cabinet is RECOMMENDED to:**

- (b) consider the representations made in response to the statutory closure notice with particular reference to the issues detailed in paragraphs 17 - 26 and the Statutory Guidance; and**
- (c) approve the closure of Culham Parochial School with effect from midnight, 31 August 2011.**

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