

Cabinet	Ref No: CAB05 (20/21)
16 June 2020	Key Decision: YES
Small Schools Proposals – Determination of Statutory Notices	Part I
Report by: Director of Education and Skills	Electoral Divisions: Angmering and Findon Chichester South Worth Forest
<p>Summary</p> <p>In September 2019 the Cabinet Member for Education and Skills took a decision (https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=716) (decision reference ES02(19/20)) to approve the commencement of a consultation in relation to options for change at the following schools:-</p> <ul style="list-style-type: none"> • Clapham and Patching CE Primary School, Clapham, Worthing • Compton and Up Marden CE School, Compton, Chichester • Rumboldswyke CE Infants' School, Chichester • Stedham Primary School, Stedham, Midhurst • Warninglid Primary School, Warninglid, Haywards Heath <p>Following assessment of the responses to the consultation the Cabinet took a decision (https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=821) to consult on specific proposals (decision reference CAB10(19/20) in relation to the schools.</p> <p>Following assessment of the outcome of this further consultation the Cabinet resolved to endorse the following proposals (decision reference (https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=891) CAB01(20/21) to</p> <ol style="list-style-type: none"> 1. Issue a closure notice for Clapham and Patching C of E Primary School, Clapham, Worthing, but maintaining the building open for the Autumn half term to allow those children without suitable school places to be supported to transition to a new school should schools not return to normal opening during the summer due to the current Covid-19 situation. 2. Issue closure notice for Rumboldswyke C of E Infant School, Chichester, but maintaining the building open for the Autumn half term to allow those children without suitable school places to be supported to transition to a new school should schools not return to normal opening during the summer due to the current Covid-19 situation. 3. Request County Council Officers to continue to work with Governors of Stedham Primary School and Harting CE Primary School to progress the Federation Action Plan towards a hard federation by January 2021. 	

4. Request County Council Officers to continue to work with Governors to progress proposals for the federation of Compton and Up Marden CE Primary School, Compton with an appropriate partner.
5. Issue prescribed alteration notices for the relocation of Warninglid Primary School, Warninglid, Haywards Heath to a new site in Pease Pottage Crawley by September 2021 (subject to developers completing in June 2021) and implement the proposals submitted by Warninglid Primary School and at least one other partner to federate.

Closure and prescribed alteration notices in relation to proposals 1, 2 and 5 above were issued on 7th May 2020. Members of the public and interested parties had the opportunity to make representations regarding the closures and prescribed alteration during a 4 week period that closed on 4th June 2020. This report outlines the representations that have been received during the closure and alteration notice period. It also takes note that the Regional Schools Commissioner (RSC) has been asked to consider requests for academy conversion of both Rumboldswyke C of E Infant School, Chichester and Clapham and Patching C of E Primary School, Worthing. At the time of writing this report, no decision on the academy requests had been received. The Cabinet will be asked to consider the recommendations detailed below.

West Sussex Plan: Policy Impact and Context

Best Start in Life: Approval of the small school organisation proposals supports the County Council's aspirations to be placed in the top quartile of performing Councils within three years, in terms of children's attainment. These proposals are integral to helping achieve high performing and financially sustainable schools in West Sussex that benefit the children and communities for years to come.

Financial Impact

All financial aspects are covered in the Cabinet member decision report [CAB01\(20/21\)](#) (<https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=891>)

Recommendations

The Cabinet is asked to support the proposals outlined in section 2 to:

1. Close Clapham and Patching C of E Primary School, Clapham, Worthing by August 31st 2020 unless an Academy Order is issued by the RSC.
2. Close Rumboldswyke C of E Infant School, Chichester by August 31st 2020 unless an Academy Order is issued by the RSC.
3. Relocate Warninglid Primary School, Warninglid, Haywards Heath to a new site in Pease Pottage Crawley, by September 2021 (subject to developers completing in Summer 2021) and implement the proposals submitted by Warninglid Primary School and at least one other partner to Federate.

Proposal

1. Background and Context

- 1.1 In October 2018 the [School Effectiveness Strategy 2018 - 2022](http://schools.westsussex.gov.uk/Article/59459) (<http://schools.westsussex.gov.uk/Article/59459>) was adopted by the County Council following public consultation. It sets out the objectives for school organisation and the criteria against which schools should be assessed in order to meet these objectives. Implementation of the strategy is intended help ensure that in West Sussex:

"Primary schools will be of a sufficient size to be viable in the future, offer a high quality and broad curriculum, attract pupils from the local community and provide strong outcomes for children".

The school effectiveness strategy also states that:

"where schools are identified as being at risk, they need to consider options for change. In addition to "no change" These could include:

- Consulting on amalgamating or merging two or more schools to become an all-through primary school.
- Consulting on expanding the age range of a group of schools so each become all-through primary schools.
- Consulting on federating two or more schools.
- Consulting on closing a school."

- 1.2 Analysis by the County Council identified a number of schools which, when measured against the criteria set out in the School Effectiveness Strategy, were considered at risk. The criteria are set out below:

Twelve Key Questions for Schools	
1.	Does the school have an Infant to Junior relationship with another school?
2.	Is there a vacancy for a Headteacher?
3.	Is the curriculum better delivered by working with other nearby schools?
4.	Does the budget prohibit leadership responsibilities from being distributed amongst a range of staff?
5.	Does the school have difficulties recruiting high quality teachers, leaders or governors?
6.	Can all the schools in an area sustain the projected numbers of local pupils over the next 5 years?
7.	Are minimum pupil numbers for the school equal to or less than 100?
8.	Does the school have less than or equal to 75% of pupils on roll in proportion to its capacity?
9.	Do parental preferences for the school, taking into account the planned housing development, support the school reaching, or 95% of, the planned roll capacity of the school over the next 5 years?
10.	Is the Ofsted inspection overall judgement of the school 'Good' or better (or recent LA monitoring indicates the school is not moving quickly to 'Good')?
11.	Does the financial projection for the next 3 years show a sustainable budget?

12. Does the school offer a specialism that is not replicated elsewhere in the area?

- 1.3 Following the analysis described in paragraph 1.2, due to the specific circumstances of five of these schools, an impact assessment was conducted between April and June 2019. The specific circumstances for four of the schools are set out in the previously submitted [Impact Assessments](https://haveyoursay.westsussex.gov.uk/strategic-planning-and-place/rural-and-small-schools/) (<https://haveyoursay.westsussex.gov.uk/strategic-planning-and-place/rural-and-small-schools/>).
- 1.4 Rumboldswyke C of E Infant school is not a rural school but serves the community of Chichester. The school was included due to its vulnerability, declining enrolment, and the quality of provision. Following the Ofsted inspection in May 2019, the school was rated as inadequate. The options for the future of Rumboldswyke C of E Infant School were therefore limited following this judgement. Under the Establishment and Discontinuance of Schools Regulations 2013, the school has to either academise or close. Since the Ofsted inspection, discussions have taken place with the Regional Schools Commissioner (RSC) and the CE Diocese. The size and nature of the school has made finding a suitable Trust willing to academise the school as a viable Infant School extremely challenging. The RSC agreed to await the outcome of consultation on the viability of the school before making the decision on issuing an academy order.
- 1.5 In September 2019, the Cabinet Member for Education and Skills (decision reference ES02(19/20)) [approved](https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=716) (<https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=716>) the commencement of a consultation in relation to the options for the proposed reorganisation of rural and small schools in West Sussex. This consultation included an online survey for members of the community and interested parties to 'have their say', opportunities for schools to submit their future plans and representations, contact with local parish councils, discussions with the Diocese and also a public meeting at each school.
- 1.6 Following assessment of the response to the consultation, the Cabinet took a [decision](https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=821) (<https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=821>) to consult on the following specific proposals (decision reference CAB10 (19/20)):
- (a) Closure of Clapham and Patching C of E Primary School by September 2020 whilst continuing to discuss academisation proposals which the County Council will encourage and support.
 - (b) Closure of Rumboldswyke C of E Infant School effective September 2020.
 - (c) Relocation of Warninglid Primary School and the federation of the school by September 2021 (subject to developer's progress).
 - (d) Closure of Stedham Primary School by September 2020, whilst continuing to encourage and assist the school in its discussion on

federation, which if agreed by the end of the consultation period (16 March 2020), will result in the consultation ceasing¹.

The Cabinet also agreed with the proposal that the County Council officers should work with Governors to progress proposals for the federation of Compton and Up Marden CE Primary School, Compton with an appropriate partner.

- 1.7 Following assessment of the responses to the further consultation on specific proposals the Cabinet took a [decision](https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=891) (<https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=891>) (decision ref CAB01(20/21) to approve the following proposals:-
1. Issue a closure notice for Clapham and Patching C of E Primary School, Clapham, Worthing, but maintaining the building open for the Autumn half term to allow those children without suitable school places to be supported to transition to a new school should schools not return to normal opening during the summer due to the current Covid-19 situation.
 2. Issue closure notice for Rumboldswyke C of E Infant School, Chichester, but maintaining the building open for the Autumn half term to allow those children without suitable school places to be supported to transition to a new school should schools not return to normal opening during the summer due to the current Covid-19 situation.
 3. Request County Council Officers to continue to work with Governors of Stedham Primary School and Harting CE Primary School to progress the Federation Action Plan towards a hard federation by January 2021.
 4. Request County Council Officers to continue to work with Governors to progress proposals for the federation of Compton and Up Marden CE Primary School, Compton with an appropriate partner.
 5. Issue prescribed alteration notices for the relocation of Warninglid Primary School, Warninglid, Haywards Heath to a new site in Pease Pottage Crawley by September 2021 (subject to developers completing in June 2021) and implement the proposals submitted by Warninglid Primary School and at least one other partner to federate.
- 1.8 Closure and prescribed alteration notices in relation to proposals 1,2 and 5 were issued on 7th May 2020 and the opportunity for members of the public and other interested parties to make representations closed on 4th June 2020.
- 1.9 Under section 15 of the Education and Inspections Act 2006, a local authority can propose the closure of all categories of maintained school. The statutory process for closing a maintained school is that once the statutory notice is published any person can send objections or comments to the County Council within 4 weeks from the date of publication.

¹ The consultation on closure of Stedham Primary School was ceased on 7 February 2020 in recognition of the progress being made towards federation and to provide time for governance arrangements for the federation to be agreed with the Diocesan Board of Education by 21st April 2020.

- 1.10 The authority must consult prescribed consultees during this representation period. Any comments on the proposal must be taken into account by the decision-maker. All views must be considered including all support for, objections to, and comments on the proposal. The decision-maker can:
- Reject the proposal
 - Approve the proposal without modification
 - Approve the proposal with such modifications as they think desirable

Within one week of making a determination, the authority must publish its decision and the reasons for such a decision.

- 1.11 During the representation period, the Regional Schools Commissioner (RSC) informed the County Council that applications had been made to the Regional Schools Commissioner to academise both Rumboldshyke CE Infants School and Clapham and Patching CE Primary School.

2 Proposal Details

- 2.1 The consultation and decision-making timetable (updated from the September 2019 decision paper) is set out below:

7 October 25 November 2019	Stage one – consultation on options – complete
14 January 2020	The Cabinet considered the results of the consultation and decided whether to publish specific proposals for any of the schools listed. - complete
3 February to 16 March 2020	Stage two – publication of proposals and 6 week representation period - complete
22 April 2020	Stage three – Cabinet decision on specific proposals for each of the schools - complete
7 May to 4 June 2020	Stage four – publication of statutory proposals (4 week representation period) followed by cabinet decision.
31 August 2020	Stage five – implementation of proposals

- 2.2 After consideration of the representations following the issuing of closure and prescribed alteration notices (Stage 4) and recognising that the RSC may decide to issue an Academy Order, it is proposed that the Cabinet approves the following next steps:
- Close Clapham and Patching C of E Primary School, Clapham, Worthing by August 31st 2020 unless an Academy Order is issued by the RSC.
 - Close Rumboldshyke C of E Infant School, Chichester by August 31st 2020 unless an Academy Order is issued by the RSC.

- Relocate Warninglid Primary School, Warninglid, Haywards Heath to a new site in Pease Pottage Crawley, by September 2021 (subject to developers completing in Summer 2021). Prior to this relocation taking place, County Council officers will work with Governors to implement the proposals submitted by Warninglid C of E Primary School to federate with at least one federation partner. The implementation of this proposal will be achieved only in line with the completion of the building of the new school on the Pease Pottage site which is currently planned for June 2021.

Factors taken into account

3 Consultation

3.1 Closure and prescribed alteration notices were issued on 7th May 2020 and the opportunity to make representations closed on 4th June 2020

3.2 Representations

15 representations were made officially through the channels set out in the notice for Clapham and Patching C of E Primary School. These are broken down as follows;

- Five from current parents of the school
- Three from the Head Teacher, one of which was a duplicated submission.
- Two from the local community
- Two undeclared
- One former parent
- One Clerk to the local Parish Council
- One on behalf of the West Sussex Governors Association

12 representations were made officially through the channels set out in the notice for Rumboldswyke C of E Infants School. These are broken down as follows;

- Four from local residents
- One parent petition with 39 signatures
- One Leader of the Green Group for Chichester D.C. and also the Chair of the Friends of Rumboldswyke.
- One Chichester City Council Member, Chichester West
- One Co-Chair of Whyke Residents Association
- One former Chair of Governors
- One former parent/governor
- One former pupil/governor
- One on behalf of the West Sussex Governors Association

A further two representations were received from local residents for Rumboldswyke C of E Primary school. These did not arrive within the prescribed timescale.

No representations for Warninglid Primary School were made.

Only representations received through the official communication channels have been considered.

It is clear from the representations received for both Clapham and Patching C of E Primary School and Rumboldswyke C of E Infant school that there continues to be a strong lobby for the schools to be allowed to academise. The representations also challenged the process followed and the information provided by the County Council..

The main issues highlighted in the representations can be summarised as follows:

- **Process** – Has the guidance on rural schools and academisation been followed correctly.
- **Housing projections** - The effect on school provision in the area has not been considered in relation to the need for more school places.
- **Community impact** – The impact on the local community should Clapham and Patching C of E Primary School close is considered to be detrimental, to the village hall, the local home for the elderly and the congregation of the churches in the village.
- **Church affiliation** - Rumboldswyke is the only CofE Infants' School in the City of Chichester and should be kept open for those families who wish to give their children a Christian education.
- **COVID -19** - there is currently a need for more space and more classrooms to keep children socially distanced.

- 3.3 Based on the above, the analysis of the issues raised through representations suggests that none are so substantial and significant as to present a need to amend, alter or delay the [Cabinet decision](https://westsussex.moderngov.co.uk/ieDecisionDetails.aspx?ID=891) (decision reference CAB01(20/21)) to close Rumboldswyke CE Infants School and Clapham and Patching Primary School or to relocate Warninglid Primary School, even though the Regional Schools Commissioner (RSC) informed the County Council that applications had been made to the to academise both Rumboldswyke CE Infants School and Clapham and Patching CE Primary School.

4 Financial (revenue and capital) and Resource Implications

- 4.1 The financial and resource implications are set out in the Cabinet Decision report (reference as above).

5 Legal Implications

- 5.1 These are set out in the Cabinet decision report (reference as above). Section 15 and schedule 2 to the Education and Inspections Act 2006 set out the arrangements for consultation and representations and the options available to the authority taking the decision and any appeal mechanisms available to specified bodies.

6 Risk Implications and Mitigations

- 6.1 The Risk implications and mitigations are set out in the previous Cabinet decision report (reference as above).

7 Other Options Considered (and reasons for not proposing)

- 7.1 Other options and reasons for not proposing are set out in the previous cabinet decision report (reference as above).
- 7.2 During the representation period, the Regional Schools Commissioner (RSC) informed the County Council that applications had been made to the Regional Schools Commissioner to academise both Rumboldshyke CE Infants School and Clapham and Patching CE Primary School. The outcome of these applications is awaited.

8 Equality and Human Rights Assessment

- 8.1 The Equality Impact Report has been updated to cover the impact of COVID 19 and is included as Appendix 1

9 Social Value and Sustainability Assessment

- 9.1 None for the purpose of this report

10 Crime and Disorder Reduction Assessment

- 10.1 None for the purpose of this report

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Appendices

Appendix 1 – Equality Impact Report

Background Papers - None