

METROPOLITAN BOROUGH OF WIRRAL

CABINET – 14<sup>th</sup> DECEMBER 2006

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

## **OUTCOME OF OFSTED INSPECTION OF ST MARY'S CE (CONTROLLED) PRIMARY SCHOOL**

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### **1.0 Executive Summary**

- 1.1 This report informs members of the outcome of the recent Ofsted inspection of St Mary's CE (Controlled) Primary School which placed the school in Special Measures. As a consequence of that report, and also reflecting the conclusions of Phase 2 of the Primary Places Review, it is recommended that proposals for the closure of the school be published.

### **Background**

- 2.0 The Council has been reviewing Wirral primary school provision on an area by area basis since Autumn 2004. The review of the Bromborough and Eastham small planning area, in which St Mary's CE Primary is situated, began in October 2005 with pre-consultation meetings involving headteachers and chairs of governors of all the schools in the area, as well as Diocesan Authorities and ward members.
- 2.1 A number of options for change arose, and were approved for formal consultation by Cabinet. Leaflets and comments forms were provided to all parents, and at schools and local libraries. A dedicated website was established, including a feedback form, and the consultation was advertised in the press.
- 2.2 Public meetings were held during Spring term 2006 at each of the schools named in the options. The St Mary's CE meeting was attended by 124 people, including parents, staff, governors and other interested persons.
- 2.3 On 16<sup>th</sup> March 2006, the outcome of this wide-ranging consultation was reported to Council's Cabinet, including new options arising. Cabinet decided that one of these new options, to amalgamate St Mary's CE Primary School and Millfields Primary School to form a new Church of England school at the Millfields site, should become the Council's preferred option. The report to Cabinet and subsequent minutes are attached as Appendix A.
- 2.4 Following legal advice, it was decided that consultation should be extended to allow consultees to express their opinions about the new option, led by the Church of England Diocese of Chester and facilitated by the Authority.
- 2.5 The website was updated to allow further responses by e-mail and website feedback form, new comments forms were provided, and additional consultation meetings took place at both Millfields and St Mary's CE primary schools. 134 people attended the second public meeting at St Mary's CE Primary School.
- 2.6 Following the conclusion of the extended consultation on 6<sup>th</sup> July 2006, the Diocesan Board of Education rejected the Council's preferred option to close the two schools and open a new Church of England school on the Millfields site. One of the factors the Diocesan Board gave as a reason not to support the amalgamation was that the standards achieved by the two schools were "not significantly different".

- 2.7 Only the Diocese of Chester can propose to open a new Church of England School, and to propose closure of St Mary's CE without the agreement of the Diocese meant that the closure proposal would certainly go to the School's Adjudicator.
- 2.8 At its meeting of 27<sup>th</sup> July 2006, the Council decided not to press ahead with the proposal to close St Mary's CE Primary School, deciding instead to make an interim measure to reduce surplus places and enhance provision in the area by locating a Children's Centre at Millfields Primary School. A further recommendation was made that the Bromborough and Eastham area should be monitored and reviewed again during the Primary Places Review. The report to Cabinet and subsequent minutes are attached as Appendix B.
- 3.0 **Outcome of Ofsted Inspection**
- 3.1 St Mary's CE (Controlled) Primary School was inspected by Ofsted on the 13<sup>th</sup> and 14<sup>th</sup> September 2006, and was placed in the Ofsted category of Special Measures.
- 3.2 The first paragraph of the Inspection report reads as follows:
- "Inspection findings do not support the school's judgement that it provides a satisfactory education for all its children. In accordance with section 13 (3) of the Education Act 2005, HMCI is of the opinion that this school requires special measures because it is failing to give its children an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement. Significant improvement is required in relation to children's progress and standards in writing and mathematics in Years 3 to 6. The school gives inadequate value for money."*
- The full inspection report is attached as Appendix C.
- 3.3 This is the second time in six years that the school has been in an Ofsted category; unsatisfactory leadership and management were among the key issues in each case. The 2006 inspection also found governance of the school to be inadequate. Considerable amounts of LA support were provided to the school following the inspection in 2000, leading to the school being removed from Serious Weaknesses in November 2002. The report of that inspection noted how the school had benefited from good LA support to enable it to make improvements. The LA has again been actively involved with St Mary's more recently, owing to declining standards and achievement in mathematics and science.
- 3.4 Once placed in Special Measures, the Director of Children's Services must reply to Ofsted within 10 working days, stating how the school will be supported, and importantly, whether or not the Authority intends to propose closure of the school. This document is attached as Appendix D, indicating the Director's intention to recommend that St Mary's CE (Controlled) Primary School be proposed for closure.
- 3.5 Millfields Primary School was also inspected by Ofsted in September 2006, when it was judged to be a good school with outstanding features. The Diocesan Board's view that the standards achieved by the two schools were "not significantly different" has therefore not been upheld.
- 3.6 The headteacher of St Mary's CE (Controlled) Primary School has offered her resignation, which has been accepted by the Governing body, and consequently will leave at the end of the Autumn term 2006. An experienced deputy headteacher is to be seconded from another Wirral school to take up the post of acting headteacher at St Mary's for the remainder of this academic year.
- 3.7 Our recommendation is that the Council should propose the closure of St Mary's CE Primary School, as previously agreed in March 2006, with effect from the end of Summer term 2007.
- 4.0 **Denominational Education in Bromborough and Eastham**

- 4.1 The Church of England Diocesan Director of Education is in discussions with the Authority, governing bodies and other local groups regarding the future of faith schools in this area and it is hoped that a consensus on the way forward can be reached.
- 4.2 While any voluntary or foundation school may be established with a religious character, it is not possible for any school to gain, lose or change religious character through the change of category process. To effect a change from, for example, a community school to a voluntary school with a religious character, the LA would need to publish a proposal to close the community school, and the Diocese would bring forward a linked proposal to establish a new voluntary school.
- 4.3 Consultation with parents, staff and governors regarding the establishment of a new CE primary school has already taken place at Heygarth Primary School and Millfields Primary School during Phase 2 of the Review, and was largely positively received. This consultation need not be repeated, unless proposals made by the Diocesan Board of Education involve a different school that had not already been the subject of consultation.
- 4.4 If the Diocesan Board of Education wishes to promote the establishment of a new Church of England primary school at another school site in the local area, our recommendation is that this should be supported by the Council, provided this proposal has the support of the relevant Governing Body.

## 5.0 **Next steps**

- 5.1 If the Cabinet agree the proposal for closure, legal notices would be published at St Mary's CE (Controlled) Primary School and any other schools named in the notice, in a local newspaper and a prominent local place, such as a community centre, library, shop or post office.
- 5.2 A representation period follows, during which anyone can write with comments or objections. As St Mary's CE is in Special Measures, the representation period following notice publication is reduced from the standard six weeks to one month.
- 5.3 If no objections are received during the representation period, the Council can determine the proposal. If objections are received, the Authority sends the objections, along with comments upon them, to the School Organisation Committee (SOC). This would usually happen within one month of the end of the representation period. As St Mary's CE is in Special Measures, this timescale shortens to two weeks.
- 5.4 If the Diocese of Chester wishes to promote the establishment of a new CE primary school, notices proposing the closure of the existing community school and open the new CE school would also be published in accordance with legal guidance. We would aim to submit these additional proposals to the same meeting of the SOC, although the proposals are not officially linked.
- 5.5 The SOC decides whether to approve, approve with amendments, approve subject to conditions (such as planning permissions) or reject the proposal. If the SOC cannot come to a unanimous decision, the proposal would be referred to the School's Adjudicator.

## 6.0 **Decision makers guidance**

6.1 The Secretary of State provides statutory guidance to local authorities, School Organisation Committees and Adjudicators, issued under 28(5), 29(4) and 31(4) of and paragraphs 3(4)(a), 3(7)(b) and 4(4) of Schedule 6 to the School Standards and Framework Act 1998, section 70(7) of the Education Act 2002 and regulation 13 of the Education (Additional Secondary School Proposals) Regulations 2003.

6.2 In this guidance there is a clear presumption to:

*“approve proposals to close a failing school, if there is sufficient capacity in the area for the displaced pupils and to meet future demand” (paragraph 13 of Section 1, statutory guidance)*

6.3 There are 9 primary schools within a 2 mile radius of St Mary’s CE Primary School (two within Cheshire), at which there were a total of 317 surplus places in January 2006. The number on roll at St Mary’s CE in January 2006 was 105 pupils.

6.4 The guidance also says:

*“The Adjudicator should not approve proposals for the closure of a denominational school where the relevant church SOC group had voted against its closure and it is clear that the closure, in conjunction with any related changes, will reduce the proportion of such denominational places within the LEA, unless it is failing or severely undersubscribed”. (paragraph 35 of Section 1, statutory guidance).*

6.5 Standards at St Mary’s CE Primary School have been significantly lower than expectation over a considerable period, most recently evidenced by the Ofsted judgement of Special Measures.

## 7.0 **Early Years and Children’s Centre provision**

7.1 The Children’s Centre due to be established at Millfields Primary School, currently at the design stage, has strict deadlines for the expenditure of funding. This scheme may need to be redesigned dependant upon the outcome of the School Organisation Committee or Adjudicator’s decision regarding the closure of St Mary’s CE Primary School, and it is important that uncertainty regarding the future of all the schools in the area is resolved as quickly as possible.

7.2 The existing pre-school at St Mary’s CE Primary School will need to be relocated if the school closes, and initial discussions will begin if Cabinet approves the publication of this proposal.

## 8.0 **Implications for Pupils**

8.1 The closure of a primary school has implications for the Authority’s admission arrangements. The DFES have advised that there is no requirement to consult separately on any changes to admission arrangements as long as full details are provided to parents in the statutory public notices on the proposed alterations to the school provision. This would include details on how the Authority would propose to manage the transfer of pupils to alternative schools, and also deal with applications from parents living in the areas concerned for places in Foundation 2.

8.2 In the event of any reorganisation, school catchment areas would have to be reviewed. In the case of a school closure, zones of neighbouring schools would have to be re-drawn. Changes would need to take into account consideration of home address in relation to

nearest appropriate schools, the new capacity of schools in the area, and other factors such as planned housing development.

8.3 In relation to the potential transfer of existing pupils to alternative schools, the Authority would invite parents to indicate a preference. If their preference was for a placement in a community or controlled school, then the Authority would seek to meet that preference, within the admission criteria set out in the Authority's booklets for parents.

8.4 If any pupil has a Statement of Special Educational Needs then the Statement will be amended to reflect the new school, and the provision specified in the Statement will be delivered appropriately. Any pupils who are currently placed in designated special provision such as a Special Needs Class would be transferred to an alternative placement according to parental preference. For all those pupils on the SEN register who are affected, the Authority would deploy an element of any savings to provide enhanced support at their new school. Details of how such a scheme may operate would need to be developed.

## 9.0 **Financial Implications**

9.1 The recommendations contained in this report have capital implications in respect of the re-location of current pupils and the re-allocation of future pupils to schools. The level of capital required will depend upon the final, approved proposals and will require further, detailed development work. Provision was made in the 2005/6 and the 2006/7 schools capital programme and it is envisaged that similar provision will be made in future year's programmes to fund works arising from primary reorganisation. The balance of the capital build costs would need to be drawn from the following sources: DfES Modernisation Grant, council capital including capital receipts from the disposal of surplus assets, Prudential Borrowing and capital forming part of other national initiatives. It is a requirement that funding is clearly identified when proposals are put to School Organisation Committee for approval.

9.2 The recommendations contained in this report include the closure and amalgamation of schools, which in turn will produce revenue savings, to the benefit of other schools as the funding is re-distributed. In the short term the LA could be required to fund any staff severance costs following closures and amalgamation but they may be partly or entirely offset by savings.

## 10.0 **Staffing Implications**

### 10.1 **Closure of Schools**

If a school closes, staff would technically be redundant. However, the neighbouring schools to which pupils relocate will require additional staff, and redundant staff would have priority at these, and other schools.

### 10.2 **Redeployment**

Wirral has an excellent record in the field of redeployment of staff, teaching and non-teaching. When posts are advertised in Wirral, prior and preferential consideration is given to staff on the redeployment list.

## 11.0 **Equal Opportunities Implications**

11.1 It is essential to plan school provision across the Authority so that it is both efficient and effective in the interests of all pupils.

## 12.0 **Human Rights Implications**

12.1 There are none arising directly from this report.

### 13.0 **Local Agenda 21 Statement**

13.1 The provision of efficient and effective education is a vital part of serving local communities; inefficient use of resources is wasteful both in educational and physical resource terms.

### 14.0 **Community Safety Implications**

14.1 There are none arising directly from this report.

### 15.0 **Planning Implications**

15.1 The St Mary's building is owned by trustees of the Diocese, while the school playing field is owned by the Authority. Eastham Village is a conservation and green belt area.

15.2 A school is a D1 Non-Residential Institution as defined in the Town and Country Planning Use Classes Order 2005 and unless the proposal is to re-use the building as a D1 Non-residential Institution planning permission will be required to use the building for other uses or to re-develop the site. Consultation with the Development Control Section should be undertaken at an early stage to ascertain in principle the suitability of the school site for alternative use or for re-development.

### 16.0 **Local Member Support Implications**

16.1 Schools specifically mentioned in the report and appendices, and the Wards in which they are situated, which are Bromborough and Eastham.

### 17.0 **Background Papers**

Audit Commission Report: Planning School Places in Wirral September 2004.

School Organisation Plan.

LA document "Pursuit of Excellence: Primary Education in Wirral".

School pupil number returns, January 2006 (School Census return to DfES).

School Net Capacity Calculation, July 2006, to DfES requirements.

Consultation Documents for Bromborough and Eastham.

Other data held in Department including that provided by Wirral Health Authority.

## 18.0 Recommendations

That

(1) statutory proposals be published in respect of the closure of St Mary's CE (Controlled) Primary School and that the Director be authorised to take all necessary steps to publish this proposal and ensure the prescribed procedures are followed, including proposals for the re-zoning of schools, in furtherance of the proposal; and

(2) the Director of Children's Services be authorised to give all necessary support to any proposal made by the Church of England Diocese of Chester regarding the closure of a Community Primary School in order to open a new CE Primary school on the same site, subject to the agreement of the relevant Governing Body.

**Howard Cooper**

**Director of Children's Services**

## **Minutes - Cabinet - 14 December 2006**

Present  
Chair S Foulkes

Councillors George Davies, PL Davies, JE Green, PJ Hackett, J Hale, SE Kelly, M McLaughlin, RK Moon, Mrs LA Rennie

### **Minute 174 - CHILDREN'S SERVICES AND LIFELONG LEARNING: OUTCOME OF OFSTED INSPECTION OF ST MARY'S CE (CONTROLLED) PRIMARY SCHOOL**

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The Director of Children's Services informed Members of the outcome of the recent Ofsted inspection of St Mary's CE (Controlled) Primary School which had placed the school in Special Measures. As a consequence of that report, and also reflecting the conclusions of Phase 2 of the Primary Places Review, it was recommended that proposals for the closure of the school be published.

With the permission of the Chair, Jeff Turnbull (Director of Education, Diocese of Chester) and Paul Lawler (parent governor at St Mary's CE (Controlled) Primary School) addressed the Cabinet.

The Director of Children's Services responded to issues raised by the speakers.

The Cabinet Member for Children's Services and Lifelong Learning stated that this was an extremely difficult issue. The Ofsted report was fairly stark and very negative. The overwhelming issue was the standards for the children at the school and how quickly this could be picked up. There was also adequate alternative provision for the children.

The Leader of the Conservative Group indicated that he had never heard the Director talk in such terms about a school and referred to the improvement in standards at Our Lady of Lourdes Primary School. He indicated that he would support keeping the school open.

The Leader of the Liberal Democrat Group referred to the last time the provision of Church of England schools was discussed and that the Church of England had indicated no interest in providing a new school on the Millfields site. He also referred to the fact that the Church of England would have a vote on this matter at the School Organisation Committee who would make the final decision.

The Leader of the Council recognised the highly emotive position the Cabinet was in and reiterated that the decision had to be the best for the children involved.

The Leader of the Conservative Group suggested that whilst Ofsted reports were important the Council should invest in its school improvement service.

Minute Decision :

Resolved (7:3) - That

(1) statutory proposals be published in respect of the closure of St Mary's CE (Controlled) Primary School and the Director be authorised to take all necessary steps to publish this proposal and ensure the prescribed procedures are followed, including proposals for the re-zoning of schools, in furtherance of the proposal; and

(2) the Director of Children's Services be authorised to give all necessary support to any proposal made by the Church of England Diocese of Chester regarding the closure of a Community Primary School in order to open a new CE Primary school on the same site, subject to the agreement of the relevant Governing Body.