

DETERMINATION

Case reference: **STP/000531**

Proposal: **To modify the date on which Hesketh Fletcher Voluntary Aided Church of England High School, Atherton, is discontinued from 31st August 2012 to 31st August 2011.**

Proposer: **Wigan Council**

Date of Determination: **13th December 2010**

Determination

In accordance with Schedule 2 to the Education and Inspections Act 2006 (“the Act”), I approve the proposal to modify the date on which Hesketh Fletcher School VA CE High School be discontinued from 31st August 2012 to 31st August 2011.

The referral

1 On 9th November 2010, Wigan Council’s (“the Council”) Executive Director (Children and Young People’s Services) wrote to the Office of the Schools Adjudicator (OSA) on behalf of the Council referring a decision made by the Council to modify the date on which Hesketh Fletcher Voluntary Aided Church of England High School (“the School”) would be discontinued from 31st August 2012 to 31st August 2011.

2 In a letter dated 5th November 2010, the School’s Chair of Governors notified OSA that the Governing Body supported the Council’s decision.

Jurisdiction

3 On 23rd September 2010, the Council’s Cabinet took the decision to modify the date on which the School would be discontinued from 31st August 2012 to 31st August 2011. In a letter dated 5th November 2010, the School’s Governing Body indicated its support for this decision. The Council referred their decision to OSA on 9th November 2010.

4 I am satisfied that the proposals have been properly referred to me in accordance with Schedule 2 to the Act and that, therefore, I have jurisdiction to determine this matter.

Procedures

5 In considering this matter I have had regard to all relevant legislation and guidance.

- 6 I have considered all the papers put before me including the following:
- the agenda and supporting papers for the meeting of the Council's Cabinet held on 23rd September 2010;
 - an undated document entitled "Every Child Matters" which was submitted to the Council's Cabinet meeting of 23rd September 2010 by the School's Governing Body;
 - a copy of the Governing Body's letter, of 5th November 2010, supporting the Council's decision;
 - minutes of the Governing Body's meeting of 21st October 2010;
 - a number of emails and letters from a range of interested parties;
 - a letter from the Director of Education of the Diocese of Manchester dated which was received by OSA on 25th November and which attached the minutes of the Diocesan Board of Education meeting of 9th November 2010;
 - a letter from the local MP dated 16th November 2010;
 - minutes of all meetings of the Transition Board;
 - a note from an informal meeting of year 10 parents held on 7th October;
 - the latest Ofsted inspection reports for the School and Westleigh, Bedford and Fred Longworth Schools;
 - the note of the Ofsted monitoring visit to the School dated 18th June 2010.

7 On 2nd December 2010 I visited the area and held a meeting attended by representatives of the Council, the School, and the Church of England Diocese of Manchester ("the Diocese"). I requested that one of the School's three representatives was a parent of children who would be affected by the proposal. I also met a group of year 8 and 10 student representatives at the School. I have considered information and other representations put to me at these meetings and subsequently.

The Proposal

8 The proposal is to modify the date on which the School is discontinued from 31st August 2012 to 31st August 2011.

9 The Council states it wishes to make this modification because it is concerned about the School's ability "*to provide an adequate curriculum for the pupils who would still be attending the School in its final year (years 9 and 11)*" and its view that "*the School has become financially unviable.*" Reference is also made to concerns about staff retention, continuing student migration from the School, and health and safety issues associated with having a relatively small number of students on a large site.

10 The School did not admit any year 7 students in September 2010 and the school does not have any post 16 provision. The proposal would mean that all current students in years 8, 9 and 10 would transfer to other schools on 1st September 2011 at the latest. Under the existing arrangement, students in year 9 would transfer on this date whilst those in year 8 would transfer on 1st September 2012 at the latest and those in year 10 would complete year 11 at the School. This proposal therefore changes the arrangements in respect of the current years 8 and 10. On 9th November 2010, the Council stated that, on the basis of numbers on roll at that date, the proposal would affect 59 current year 8 students (year 9 in September 2011) and 60 current year 10 students (year 11 in September 2011). By 3rd December 2010, these numbers had dropped further to 58 in year 8 and 55 in year 10.

11 Subject to parental preferences, the Council's original intention was that current year 8 students at the School would transfer to Westleigh School at the end of year 9 when new accommodation would be available at Westleigh. This accommodation certainly will not be available at the proposed new closure date and, should the rolls of the three nearest secondary schools stand as they are now and the School close a year early, there would be a shortfall in the number of year 9 places in the local area.

12 Whilst the parents of current year 10 students will be able to express a preference for any school, the Council will encourage parents to accept a place for their child at Bedford High School where a *"full package of curriculum and pastoral support has been agreed"* with that school. Students would transfer to their new school when current one year GCSE courses had been completed. The Council states that there are sufficient places for this group of students at Bedford High School and at Westleigh High School.

Background

13 The School is a Church of England VA secondary school catering for 11-16 year olds in the town of Atherton which lies within the Wigan Council area. Most students are of white British heritage with an above average proportion of them being entitled to free school meals. The School serves an area which experiences above average levels of socio-economic deprivation. In recent years members of the community have waged a campaign to secure the School's future, although ultimately this was unsuccessful.

14 On 19th November 2009, the Council's Cabinet took the decision to discontinue the School on 31st August 2012. In a letter dated 7 December 2009, the School's Governing Body notified the Council it wished to exercise its right to appeal against this decision and their wish that the matter be referred to the Adjudicator, which the Council then did in a letter to OSA dated 18th December 2009. In a determination dated 3rd March 2010 (STP 474) the Adjudicator approved the Council's proposal and the related proposal to enlarge the nearby Westleigh High School by increasing its capacity from 775 to 1250 from 1st September 2012. This additional capacity was designed to meet the demand for secondary school places that would arise due to the School's closure.

15 During the summer and autumn terms 2010, the Council became increasingly concerned about the quality of educational provision at the School. This concern was driven by higher than expected student migration from the School as parents sought alternative places following the confirmation of the School's imminent closure and the fact that several key support staff had been successful in obtaining posts elsewhere, thereby putting increased pressure on those who remain. The Council's initial forecasts envisaged that the School would cater for 91 current year 8 and 75 current year 10 students during 2011/12, a total of 166 students.

16 The table below shows how the rolls of the current years 8 and 10 have declined since September 2009. The Determination which confirmed the School's closure was published in March 2010. This data shows a significant decline in the year 8 and 10 rolls over the last four school terms, a pattern the Council predicts will continue in the spring and summer terms 2011. There is a direct relationship between student numbers and the school budget. The Council is also concerned that the initially predicted 2011/12 budget deficit of £114k would, because of the fall in student numbers and the need to maintain a viable curriculum, rise to some £577k.

	Current year 8	Current year 10
September 2009 roll	91 (as year 7)	75 (as year 9)
September 2010 roll	61	61
2 nd December 2010 roll	58	55
Decline in roll (Sept 09 – Dec 10)	32 (35%)	17 (23%)

17 In November 2010, although several key support staff had obtained posts elsewhere, the School reported that it had not lost any of its teaching staff since the summer. The Council is concerned that the retention of teaching staff will become a significant problem for 2011/12 and that the combination of falling student numbers and loss of subject specialist teachers will compromise the School's ability to provide an adequate curriculum in 2011/12.

18 In January 2010, the Council established a School Closure Transition Board (the "Board") to deal with all aspects of the closure of the School. This Board is made up of representatives from the School, the Council, the Diocese and other secondary schools, especially Bedford High School. It meets monthly and carefully documents its work. One of the key duties of this Board is to ensure that the students whose education may be disrupted by the proposals are given due care and support. Its brief also includes considering what steps could be taken to provide staffing continuity for students and career continuity for staff. The Board has considered a wide range of issues including the following : admissions, HR including staff transfer, finance, transport costs and bus routes, school improvement matters, student welfare,

staff training, buildings and estates issues, curriculum, staffing structures, staff retention, SEN, parent support and information, data transfer. The Board draws on the experience of another school facing closure. The Board takes its work seriously and is taking all reasonable steps to ensure an effective closure of the School.

19 The School has appointed a transition manager who attends Board meetings. Her work is supported by non-teaching heads of year whose role is to ensure that the needs of individual students are met. The School has been able to secure some £49k of additional resources to support the transition arrangements which include staff exchange programmes involving English, maths and science teachers from the School and Bedford High School; increased support from the Council's education welfare service to improve attendance; and student visits. Parents of year 8 and 10 students have been invited to meetings, both collectively and individually, to discuss possible future arrangements for educating their children. The education welfare service is contacting all parents who did not attend these meetings.

20 At the same time it took the decision to discontinue the School, the Cabinet also agreed that officers should undertake "*an urgent and extensive travel plan assessment*" for secondary aged students in Atherton. In mid November 2010 I requested details of progress with this work and received a note from a manager within the Council's Integrated Transport Unit (dated 26th November 2010) which stated "*the Travel Plan is constantly changing and will continue to do so.*" I also note that, according to the minutes of the Board meeting of 26th November, there has been little involvement of transport related staff in Board meetings. Given the fact that home to school transport is a major concern of parents and students, and the importance placed on this issue by the Cabinet, I am not persuaded that this matter is receiving the attention it warrants.

21 Initially, the Governing Body opposed the Council's proposals, especially because of the disruption facing current year 10 students whose key stage 4 education would be significantly affected if they were required to change schools at the end of year 10. They accepted that there would be benefits to the current year 8 if they moved to other schools a year earlier than planned. The Governors presented three options for addressing the interests of the year 10 students:

- (i) The School remains open until the students finish their GCSE courses;
- (ii) All students move to Bedford High School;
- (iii) All students move to Leigh College.

Governor's initial preference was for option (i), but, by December 2010, had reviewed their position and then supported option (ii).

22 The Council also considered two other options:

- (i) Federation with another School;
- (ii) The year 10 students remaining on the Hesketh Fletcher site with

provision being managed by another school.

Council officers concluded that both these options were unviable and that their preferred option was that all students move to Bedford High School.

23 The key challenge in relation to standards is how to provide an effective educational experience with such low student numbers. Since the closure was confirmed, the school has lost permanent heads of department for English, ICT and science and has had difficulty recruiting sufficient teachers of mathematics. The School has estimated that it will require 12.5 teachers for the 2011/12 curriculum to be effectively delivered. As teachers leave, the School is already finding it difficult to obtain suitable replacements and the School is concerned this may worsen in 2011/12.

24 The Governing Body maintained its opposition to the Council's proposal until its meeting of 21st October 2010. At this meeting the Council set out the powers it believed could be used to allow it to intervene in the School. The minutes of this meeting record that the powers which were cited included:

- The withdrawal of delegated powers from the Governing Body;
- The establishment of an Interim Executive Board to take over the Governing Body's duties.

25 The minutes also record that "*in the event of governors continuing to oppose early closure*", the Council would:

- withdraw the package of support for smoother student transfer that included meeting additional transport and uniform costs that would have an impact on year 8 families in particular;
- withdraw the money secured for transition activities that would be used in part for student support in the receiving schools;
- withdraw the offer to keep staff until August 2011 with no mid-year redundancies. This would have a major impact on year 10, force curriculum restructuring and have a negative impact on student behaviour.

Clearly, if these actions were taken it would be highly likely that there would be an additional adverse impact on the quality of education provided at the School.

26 The minutes of this meeting record that the Governors voted by four votes to none, with 5 abstentions, to support the Council's early closure proposal. The minutes also recorded that governors had "*expressed concern about what was perceived to be the bullying pressure that had been applied to their considered decision making*". I have also received a letter which alleges that not all governors received 7 days notice of this meeting, a period which the author believes is necessary when a Governing Body meeting is planned at which the closure of the school is to be discussed.

27 It is not my role to comment on how the Governing Body make its

decisions. The fact is that the Governing Body now supports the Council's proposal as being the most effective way to provide a quality education for the current year 8 and 10 students in the 2010/11 school year.

28 At a meeting of the Diocesan Board of Education on 9th November 2010, it voted unanimously (11 votes to nil) to support "*the LA's submission to the Schools Adjudicator to close the school in summer 2011.*" The Diocese has stated that parents and students who wish to continue their education at a Church of England School will be accommodated at Deanery CE HS in Wigan and Canon Slade HS, St James HS and Rivington and Blackrod HS in Bolton. As yet, no parents have expressed a preference for a place for their child at any of these schools.

Consideration of Factors

29 I have considered the proposal afresh taking careful account of arguments put to me by the Council, the School, the Diocese and other interested parties. In doing so I have taken into account the relevant sections of the DfE's guidance for decision makers.

Effect on Standards and School Improvement

30 The Council's decision to discontinue the School was triggered by concerns about educational standards. The School was last inspected by Ofsted in November 2009. Inspectors found that the School "*requires significant improvement, because it is performing significantly less well than in all the circumstances it could be reasonably be expected to perform*" and that "*the overall effectiveness of the School is inadequate.*" In particular, "*significant improvement is required in relation to achievement, the quality of teaching and assessment, and behaviour in lessons*". Despite the inspector's view that the School showed "*signs of recovery, associated mainly with the arrival of a new headteacher*" and that it "*has the capacity for sustained improvement*", the inspectors gave the School a formal notice to improve. " In 2008/9, only 6% of English secondary schools were placed in this category. An Ofsted monitoring visit in June 2010 noted the decision to close the School and concluded that the School was making satisfactory progress in addressing the challenges it faced.

31 In the last four years the proportion of students gaining five or more GCSE's grades A*-C, including English and mathematics, has been as follows:

32% (2006); 30% (2007); 26% (2008); and 28% (2009)

These figures compare unfavourably with the previous Government's floor target of 30%. In terms of value added in relation to the progress students make at the School, its 2009 score of 967 (the score if students made the expected progress would be 1000) places it at the very lower end of the value added scale both locally and nationally. This value added score has decreased year on year since 2006. This pattern is also noted by inspectors who found student progress to be inadequate. The view of the Diocese is set out in the report of the Diocese's Director of Education to the Diocesan

Schools Committee of 26th June 2009. The report states "*there is no realistic prospect*" of substantially improving educational standards. Clearly, standards of achievement at the School have been a cause of concern for some time.

32 At the time of this Determination, the 2010 GCSE results were not available in a validated form but the unvalidated figure shows a marked improvement in the proportion of students obtaining five or more GCSE grades A*-C including English and mathematics from 28% to 40%.

33 The Council's concerns about 2011/12 were shared with the School's Governing Body on 14th September 2010 and also with the Diocese. The Council believes that the educational interests of the students would be better served if all students moved to other schools by 1st September 2011.

34 By early December, the School's senior management agreed that early closure was in the best interests of students. In material prepared by the School for the Adjudicator in November 2010, the author states that the current situation "*is affecting pupil commitment and behaviour*" and that "*staff morale is very low due to the uncertainty of the situation and the day to day difficulties which arise due to the insecurity of pupils.*"

35 The School fully recognises the concerns of parents and students but, at the meeting on 2nd December, the very difficult day to day realities facing the School were set out and the view was expressed that the School had reached "*the point of no return.*" The following evidence was presented to support this conclusion:

- smaller teaching groups were proving problematic for teachers and students leading to a declining quality of teaching and learning;
- declining teacher and student morale;
- deteriorating behaviour from students;
- a decreased ability to provide viable extra-curricular activities;
- health and safety concerns arising from the combination of decreased numbers of staff and students whilst having to maintain access to all parts of the building and site;
- loss of specialist non-teaching staff who were difficult to replace.

36 These concerns were shared by the staff from the Council and the Diocese who had the closest knowledge of the current situation at the School. All three parties agreed that it would be very difficult to guarantee that the School would be able to offer an education of suitable quality in 2011/12.

37 The Council has agreed with the nearby Bedford High School (located 2.47 miles from the School) that Bedford will provide a "*full package of curriculum and pastoral support*" for the affected students although it will be for parents to decide whether they wish their child to transfer to Bedford. At its last inspection in May 2008, Bedford was found to be a satisfactory school

which offers a satisfactory and improving quality of education, an innovative curriculum, and good care, support and guidance. Overall, standards were judged to be below average with students making better progress at key stage 4 than in key stage 3. In recent years, the proportion of students gaining five or more GCSE's grades A*-C, including English and mathematics, has been as follows.

2006	2007	2008	2009	2009 value added
31%	29%	37%	37%	1002

38 Whilst the evidence suggests that the quality of education available at Bedford High School is better than that at the School, I have noted that 45% of secondary schools inspected by Ofsted between September 2009 and March 2010 were judged to be outstanding or good, better grades than that awarded to Bedford.

39 In the original statutory notice associated with the Council's proposal to discontinue the School the Council stated that "*students who will transfer to alternative schools will be offered a place at Westleigh, Fred Longworth or Bedford High Schools according to parental preference and the oversubscription criteria. If necessary, the local authority will over-admit up to 20 pupils more than the admission number at (these schools) in year 10 in 2011 solely for the purpose of accommodating all pupils transferring from (the School)*".

40 Westleigh and Fred Longworth are the two nearest secondary schools, being 2.34 miles and 1.45 miles respectively from the School. The latest Ofsted inspection of Westleigh (October 2007) judged the school to be "*a good school, in which outstanding leadership and management have brought about marked improvements in both academic standards and student's personal development since the previous inspection,*" with "*an outstanding capacity to improve*". The most recent inspection of Fred Longworth High School (May 2010) judged the school to be outstanding.

41 Whilst it is for parents to choose which school they wish their child to transfer to, the evidence suggests that other schools in the area are providing a better quality of education than is likely to be available at the School in 2011/12 since, despite the recent improvement in the GCSE results of the 2010 Year 11 cohort suggested by the unvalidated 2010 figures, the School faces significant problems in maintaining this improvement because of the concerns raised in paragraphs 33 to 36. Despite this, a core group of parents of year 8 and 10 students have indicated their preference that their children should finish their relevant key stage education at the School. Their concerns are reasonable and are set out in more detail in paragraph 71 below.

42 In late November 2010, the number of students who would be affected by the proposal (and information about their backgrounds and needs) was as shown below.

	Roll	FSM (% of year group)	SEN Total (% of year group)	SEN stage A (school action)	SEN stage P (school action plus)	SEN statement	Looked After Children
Year 8	59	14 (24%)	20 (34%)	12 (20%)	8 (14%)	0	0
Year 10	58	19 (33%)	16 (28%)	5 (9%)	9 (16%)	2	3

(FSM = entitlement to free school meals, SEN = special educational need)

43 Some key characteristics of this cohort are as follows:

- in year 8 there were 32 boys and 27 girls,
- in year 10 there were 26 boys and 32 girls,
- there were four sets of siblings,
- two year 10 students had been assessed as being gifted and talented,
- all but two year 8 students lived at M46 9 or 10 postcode addresses,
- 46/58 year 10 students lived at M46 9 or 10 postcode addresses,
- one year 8 student and two year 10 students had been assessed as having English as an additional language.

44 By 2/12/2010 the year 8 and year 10 rolls had further declined to 58 and 55 respectively.

45 The data shows that the current year 8 and 10 students include a disproportionately high number who are entitled to free school meals, an indicator strongly correlated at a national level with reduced achievement at GCSE. The proportion of students in both years 8 and 10 with SEN being addressed at school level is also significantly higher than the equivalent Council wide and England figures. There are also two year 10 students with statements of SEN and three looked after children. This data makes it clear that the year 8 and year 10 student cohorts will face particular challenges in ensuring effective continuity in their learning if they are to realise their full educational potential. The Council state they are aware of the issues associated with individual students and that they will ensure that the needs of each individual student if properly assessed and met.

46 In considering the effect on standards in this case, it is also important to take into account the potential adverse impact of changing school in the middle of a key stage. The quality of the support that will be provided to ensure that the needs of individual students are met will therefore be critical. All parties are aware of this need and a package of support has been designed to address it. This support will flow through decisions made by the Board, a key duty of which is to ensure that the students whose education may be disrupted by the proposals have their needs met.

47 The School's current year 10 curriculum was planned to mitigate the predicted uncertainty facing students in year 11. The School reduced the number of options available for year 10 students from four to two. This was designed to free up curriculum time to enable students to take all their GCSEs at the end of year 10. Whatever the decision made in relation to this proposal, these students would continue with the core curriculum in year 11 whilst taking additional one year GCSE courses. If this proposal is approved, then this arrangement would be covered by the "Bedford High School Package" (the "Package") specifically designed to cater for the transferring students.

48 The Package consists of:

- The alignment of English and science GCSE courses at both schools;
- Access to an expanded range of year 11 options (two from 12 possibilities), including vocational programmes;
- Provision to re-sit GCSE's taken by the School's students in year 10;
- A dedicated student integration programme;
- Managed transfers for individual vulnerable students;
- Assistance with travel to school and uniform costs;
- Close working between dedicated "transition co-ordinator" senior staff in both schools;
- An opportunity for individuals to negotiate a curriculum matched to their needs and interests;
- Enhanced resourcing to enable the appointment of additional education welfare officers, non-teaching heads of year, transition managers, additional input from relevant Council staff, and strengthened management at the School.

49 The School, Bedford High School, the Diocese and the Council have been fully involved in the design of the Package and are keen to encourage parents to indicate a preference for a place for their child at Bedford High School. In a letter from the headteacher of Bedford High School, dated 9th December 2010, he stated that his school's Governing Body had formally made a commitment to meet the needs of transferring students. In relation to students who do transfer to Bedford High School I believe good arrangements

are in place to secure continuity in their learning and that the Package potentially offers a better quality of education than that could be provided at the School. One particular concern which has yet to be resolved is how students currently following a multiple GCSE course in ICT at the School will be able to continue with this course at Bedford. All parties are aware that this issue must be satisfactorily addressed.

50 The situation for students who might transfer to other schools is less clear and I am therefore pleased to note that 35 of the 39 parents who attended the recent meeting for year 10 parents were "*willing to discuss Bedford High School as a viable option.*" As the decision on early closure has not yet been taken, parents have not yet formally indicated their preferred choice of alternative school.

51 For year 8 students the issues are rather different. Students at Bedford High School choose their GCSE options at the end of year 8, so, if School students transfer to Bedford a year early they will be able to start their GCSE courses at the same time as Bedford students. This clearly has advantages for those students whose parents choose Bedford, benefits which would not be available if the students remained at the School in 2010/11. There are no similar advantages for students whose parents choose other schools although they would choose their GCSE options at the same time as students who already attend the receiving schools. For year 8 students not transferring to Bedford High School, the benefits of completing key stage 3 at the School must be balanced against the opportunity an early transfer would have on their induction into the new school a year before their GCSE courses started and the reported declining staff morale and the reduced curriculum expertise that is likely to be available at the School in 2011/12.

52 At the meeting on 2nd December, all parties agreed that effective joint working arrangements were in place between the Council, the School and Bedford High School. Depending on the outcome of staff redeployment, all parties hope that student transition will be further supported by teaching staff transferring from the School to Bedford High School. The Council has indicated their intention to ensure that siblings and peer groups are able to access the same school although, ultimately, this will be as strongly influenced by parental preferences as by any action the Council takes.

53 The proposed early closure of the School clearly puts students learning and general welfare at risk. In balancing the concerns of students, parents and others in relation to this proposal against the management challenges currently facing the School, the quality of provision that could be offered in 2011/12 and the alternative arrangements that are being made at Bedford School, I believe the evidence shows that early closure is in the best interests of students learning.

Need for Places

54 The Council's original proposal to close the School was linked to a proposal to expand Westleigh School by increasing its capacity from 775 to 1250 from 1st September 2012. It was envisaged that the increased capacity at Westleigh would ensure that there were enough alternative places to meet

demand for secondary school places from the Atherton community from that date. This would include the year 9 students (current year 8) who would transfer from the School in summer 2012. The expansion of Westleigh was to be funded from resources associated with the Building Schools for the Future (BSF) initiative. The new Government has confirmed that BSF funding will not now be available to Wigan and are now considering the basis for allocating capital funding for schools in the future. The Council hopes that, when the Government have clarified the way forward, they will still have the necessary capital resources to undertake this work.

55 The Council's current proposal therefore seeks to transfer all of the School's students to other schools without this additional accommodation being available. This will place considerable pressure on other schools and is likely to constrain the ability of all parents to obtain a place for their child at their preferred school. The Council has stated that parents will be guaranteed a place for their child at one of the three schools named on the original Statutory Notice but not necessarily at their preferred choice. Depending on the pattern of choice, the Council has indicated it may seek the agreement of the relevant governing bodies to temporarily make provision of additional places at particular schools.

56 The Council estimates that the number of year 9 and 11 places that will be available in the three nearest schools in September 2011, and the number of students who will potentially be displaced, are as shown below.

	Year 9 (current year 8)	Year 11 (current year 10)
Bedford	44	72
Fred Longworth	0	0
Westleigh	0	9
Roll of Hesketh Fletcher which would transfer earlier than planned (as of 2/12/2010)	58	55
Shortage of places in September 2011	14	0

57 This data shows that sufficient places are available to cater for all current year 10 students but, unless other transitional arrangements are agreed, parents will have a constrained choice of an alternative local school. The situation is even more acute for current year 8 students where there is a net shortage of places.

58 The original closure proposals also envisaged a temporary increase of 20 to the year 10 rolls of Bedford, Westleigh, and Fred Longworth Schools in September 2011 "*solely for the purpose of accommodating all pupils transferring from (the School)*". It was never envisaged that this arrangement

would apply to the School's current years 8 and 10. This is because of existing pressures on the accommodation of these two schools and the fact that the original proposal was that the School's current year 8 would transfer to Westleigh School in due course whilst the current year 10 would complete their education at the School.

59 However, if the School closes a year early and the pattern of parental preferences requires more places to be provided in years 9 and 10 at Fred Longworth and Westleigh, the Council have indicated they will negotiate with both governing bodies to secure the necessary places. No such agreements had been made by the date of this Determination.

60 When the Adjudicator determined to support the Council's proposal to discontinue the School he concluded that he was "*satisfied that sufficient local capacity exists to accommodate all Atherton area secondary aged pupils in the short term and that the Council is taking appropriate steps to ensure that sufficient capacity also exists in the medium and long term.*" The delay to accessing the capital resources necessary to expand provision at Westleigh, combined with the current proposal, raises concerns about the availability of places that did not exist in March 2010. However, the challenges facing the School have also become more acute and I am not persuaded that the concern about the availability of places should be given more weight than the concern about the quality of education that the School could provide in 2011/12. Clearly, the Council needs to ensure that it addresses the demand for secondary school places for Atherton residents but this should not, in itself, delay action designed to prioritise the educational needs of the current students at the School.

61 The student data (see paragraph 42-43 above) shows that the majority of students who would be displaced by this proposal live in the M46 postcode area. Under the recently revised oversubscription criteria for local secondary schools, students living in this postcode area will be given a relative priority for a place at Westleigh High School rather than Bedford High School. However, both schools afford an even higher priority for siblings of existing students. This will mean that it will be possible to maintain sibling links for younger children should parents of year 8 and 10 students transferring to Bedford High wish to do so. Over time, it is envisaged that Westleigh will be the school that serves the majority of Atherton students. The proposed Bedford arrangement is a pragmatic, short term, solution matched to the current circumstances.

Impact on the Community and Travel

62 The perceived adverse impact of the closure of the School on community cohesion in Atherton was a key area of concern raised by interested parties during the earlier discussions about the School's future. There was a strongly expressed local opinion that Atherton is a community that is both relatively disadvantaged and neglected by the Council. The March 2010 Determination (para 64) noted that "*many Atherton residents are choosing secondary school places for their children outside of the town and are therefore indicating how they implicitly prioritise choice of school against impact on the local community.*"

63 At the time of the March Determination, transport issues in relation to attendance at alternative secondary schools was the single most mentioned cause of concern from interested parties. This was because of cost and accessibility issues and it remains a concern of parents and students. Virtually all students who will be affected by the proposal live further away from Bedford High School than from the School, with the majority living between two and three and a half miles walking distance from Bedford High School. At the meeting of the Council's Cabinet on 23rd September, the Council agreed to provide a free bus pass to all students on the roll of the School who transferred to one of the three named alternative schools and who lived over two miles walking distance from their home to the chosen school. This is a positive and reasonable response which will benefit the majority of students and assuage the financial concerns of parents.

64 The free bus pass arrangement will enable virtually all displaced students to take part in after school activities at their new schools without incurring additional transport costs. The School's facilities also cater for a range of community sports, adult education and other activities. At the time of this Determination, no decision had been taken about the future of this provision.

Special Educational Needs Provision

65 The School is a mainstream school with no specifically resourced provision for students with special educational needs (SEN). In December 2010 the number of students with SEN was as set out in paragraph 42 above. The most recent Ofsted inspection of the School found that students with SEN made inadequate progress. This contrasts with Ofsted's assessment of provision at Bedford, Fred Longworth and Westleigh Schools where provision was judged to be satisfactory, outstanding, and good respectively. The Council believes that students with SEN will benefit from these proposals, a view supported by evidence from Ofsted inspections. The arrangements for meeting the needs of students with SEN who will be affected by this proposal are being duly considered by the Board. I note that the Council has stated that the relevant officers have already made contact with the parents/carers of the three potentially displaced students who have statements of special educational needs. Bedford High School has made a provision of £20k to meet the cost of additional teaching assistant support for students with SEN.

Funding

66 The Council reports that budgeting for 2011/12 and 2012/13 are complicated by the continued migration of students out of the School. In late November 2010, the Council estimated that, to provide an adequate curriculum and staffing structure for the likely year 8 and 10 rolls in 2011/12 and 2012/13 the School would close with a deficit budget of £422k (the original estimate presented to Cabinet in September 2010 was £577k). If the students were to move a year early the Council believes this loss would be reduced to £234k. The Council states that these figures are based on staffing and curriculum plans produced by the School. The Council is concerned about a deficit budget of this scale and the implications it has for the funding available to other schools in the Council's area.

Views of Interested Parties

67 The Council has consulted the appropriate interested parties about this proposal. The Governing Body held consultation meetings with parents and these were attended by representatives of the Council.

68 Fifteen individual interested parties, mainly parents, but also including the local MP and a Local Councillor, have written to the Adjudicator expressing their views on this proposal. All were against it.

69 The main issues raised by the local MP were:

- the Council's original proposals had led parents and students to believe they would complete their key stage 3 or 4 education at the School and that this commitment should, as a matter of principle, be honoured (see paragraphs 74 and 81 below);
- in light of this proposal, "*the wider community in Atherton must be given a new opportunity to debate secondary education options for the future before any irrevocable decisions are made.*" (see paragraph 85 below).

70 The Council accepts that this proposal breaks their initial commitment regarding the School's closure date but believes the changed circumstances mean that their proposal is in the best interest of the students who will be affected, a view shared by the Diocese and the School's Governing Body. The Council's proposal to expand Westleigh has not been revoked. Although it is recognised that BSF funding will not be available, the Council is still assessing alternative funding sources for this project. Meanwhile, the admission arrangements of all three local secondary schools have been changed, as planned, to give Atherton parents an increased chance of obtaining places for their children at Westleigh and Fred Longworth Schools. The current arrangements being developed with Bedford School are a short term response to the current circumstances facing years 8 and 10 at the School and do not represent a fundamental redesignation of Bedford as the main secondary school for Atherton.

71 The main issues raised by parents, in the correspondence and at my meeting of interested parties, were:

- the poor quality of communication with parents about this proposal (see paragraph 84 below);
- the fact that the Council had previously promised to enable the current year 8 and year 10 students to complete key stages 3 and 4 respectively at the School and that this promise was therefore being broken (see paragraph 74 below);
- that the proposal would seriously damage the GCSE performance of the current year 10 students because of discontinuities in teaching, pastoral care and curriculum provision (see paragraphs 47-50 above);
- concern about the increased cost and time of longer journeys to school

- “the journey to school for many children living on the Hag Fold Estate in Atherton would be over 5 miles” (see paragraphs 63 and 64 above and 75 below);
- concern about the costs of purchasing new school uniforms (see paragraph 75 below);
- concern about the destabilising effect, particularly an increased likelihood of bullying, the proposal would have on individual students (see paragraphs 46-53 above and 82 below);
- concern that, because of increased journey times to alternative schools, students would be less able to take part in after-school activities (see paragraph 35 above and 75 below);
- the restricted choice of alternative school within easy travelling distance due to Fred Longworth and Westleigh Schools being full and a perception that Bedford High School is becoming the “*default secondary school for pupils who live in Atherton*” rather than Westleigh as stated in the original reorganisation proposals. This is causing resentment and is seen as unfair. (see paragraph 61 above);
- a recognition amongst parents that, despite a perception of a lack of choice, a “*group move*” to Bedford High School was the preferable option for the year 10 students (see paragraph 73 below);
- a perception from parents that if they did not choose Bedford High School for their child they would receive little external support in ensuring continuity in the child’s learning;
- a feeling of insecurity arising from uncertainty about the School’s future and the fact that many parents were obtaining places for their children at alternative schools.

72 The main concerns of students, as expressed at my meeting with four student representatives and in written evidence, were:

(i) *In relation to current provision at the School*

- the unsettling impact of regular changes to the composition of teaching and peer groups;
- the quality of some teaching at the School;
- changes to the availability of pre-existing options (e.g. in languages);

(ii) *In relation to the Council’s proposal*

- uncertainty about future subject options, especially an ICT course worth 3 GCSE’s (see paragraphs 49, 77 and 79);
- a general lack of information, leading to a feeling of confusion, about

the possible impact of the proposal on their future learning (see paragraph 84);

- how they would adjust to life in a new school;
- how they would travel to school;
- an apparent lack of choice of alternative school.

73 Notes of meetings with parents in year 8 (19th October 2010) and year 10 (9th November 2010) record that some 50% of the former and a significant majority of the latter were prepared to agree an early transfer for their child to Bedford High School. It was clear that the parents who attended these meetings regretted the early closure but appreciated the reasons why it was being proposed and welcomed the support they were being given by the School. The Council has provided other evidence about parental concerns from recent admission appeal hearings where parents had spoken of deteriorating behaviour, increased use of supply teachers, and inconsistent homework. The same group of parents were concerned about the impact of a large group of transferring students on provision at Bedford High School and their assessment that their choice of alternative school was very limited.

74 It is clear that the Council is “breaking its promise” regarding the closure date. However, it is not doing this without good reason and a wide range of appropriate steps are being taken to mitigate the potential adverse impact on students. The evidence suggests that most parents accept that the current situation is different from that which existed at the time the promise was made.

75 All students who live over 2 miles from their new school (providing it is one of the three listed alternative schools) are being offered a free bus pass. The Council’s normal policy is to provide such passes when home to school journeys exceed 3 miles. The decision to adopt a “two mile policy” will ensure that virtually all students will be eligible for free home to school transport. The Council has also indicated that they will provide help to any parents who need assistance with purchasing new uniforms. The provision of free transport on public transport rather than dedicated school buses will enable students to take part in after school activities without having to bear additional costs. The Council estimates that the decision to extend free transport from three to two miles from home to school will cost an additional £115k.

Conclusion

76 All parties agree that, ideally, this proposal would not have been made and that the Council’s original timescale would have been followed. Soon after the closure decision was confirmed in March 2010 more parents than anticipated obtained alternative school places for their children and the predicted roll for September 2011 is now significantly lower than was first thought. This has led to the situation which the Council, the Diocese and Governing Body all now regard as being untenable beyond the current school year. The current management issues facing the School are very challenging

and all parties now want a swift and decisive end to the uncertainty facing the School.

77 I have the following major concerns about this proposal.

- the fact that the remaining student cohort contains a disproportionately high number of vulnerable young people;
- disruption and uncertainty in relation to student's learning, especially for those in the middle of their GCSE courses;
- the fact that suitable arrangements are not yet in place to enable year 10 students following the multiple GCSE ICT course to complete their course of study;
- the apparent lack of attention given to implementing the Cabinet's decision in relation to home to school transport;
- that students who transfer to schools other than Bedford High will have to adapt to their new schools and curriculum with no specifically designed integration arrangements;
- that, at the time of this determination, no firm arrangements are in place to ensure that all year 8 students will be able to obtain a year 9 place at one of the three local secondary schools;
- that parental choice of alternative schools is limited.

78 However, I note the view of the School, supported by the Council and the Diocese, that the quality of education available at the School has deteriorated in recent months and that the continuing decline in student numbers makes the provision of a suitable education in 2011/12 untenable. All three parties now support early closure. None of the parties came to this conclusion lightly and all are fully aware of the implications for the students who will be affected.

79 I am re-assured that the Board is now well established, has a clear view of its task, and that there is good co-operation with Bedford High School that has resulted in the design of the Package that, although there are still important gaps (such as continued provision for the multiple GCSE ICT course) represents a coherent plan for meeting the needs of the students who transfer to Bedford. The fact that Bedford High School students start their GCSE courses in year 9 is a chance, but helpful, aid to the effective assimilation of the School's current year 8 which has the potential to bring unforeseen benefits.

80 The Council is fully aware of its duties to the students with particular needs (such as SEN or looked after status) and I am confident that particular attention will be given to ensuring a smooth transition for these students. The Council has also recognised the concern of parents about travel and uniform costs by agreeing to provide free home to school transport for virtually all students and support for purchasing new uniforms where the need is greatest.

81 It is clear that the parents of children still at the School would prefer the Council to keep to its original timescale for closure. However, the circumstances facing those responsible for managing the School are now significantly more challenging than were first envisaged and, despite all the concerns referred to in paragraph 77 above, these challenges are now so substantial that I must conclude that the interests of the remaining students will be best served by approving the Council's proposal. I am reassured to note the high proportion of parents of year 10 students who will seriously consider taking up the offer of a place for their child at Bedford High School.

82 Students demonstrated a rounded view of the situation they face. Their uncertainty and worry about the future will need to be addressed both collectively and individually. The evidence suggests that the parties are fully aware of this need and the professional resources are available to address it.

83 Of course, the partners on the Board will want to ensure the concerns set out above are properly addressed and there is still sufficient time for this to occur. I have concluded that the evidence suggests that the partners have the commitment, capacity and expertise to do so.

84 Parents and students perceived that there had been poor communications between themselves and the responsible bodies. The evidence suggests that there has been regular communication between the School and parents and a series of meetings have been held with groups of parents and individual parents to explain possible choices. Since the Council made this proposal, the situation has been complicated by uncertainty about the School's future. Now that this is determined all parties can focus on ensuring that parents and students have all the information they need to make the best possible decisions, be it in relation to choice of school or choice of subject.

85 Several stakeholders expressed the view that this proposal, coupled with the delay in expanding provision at Westleigh, should lead to a review of the Adjudicator's earlier decision to discontinue the School. Such a course of action is not within the jurisdiction of the Adjudicator.

86 For the reasons set out above I approve this proposal

Determination

87 In accordance with Schedule 2 to the Education and Inspections Act 2006 ("the Act"), I approve the proposal to modify the date on which Hesketh Fletcher School VA CE High School be discontinued from 31st August 2012 to 31st August 2011.

Date: 13th December 2010.

Signed:

Schools Adjudicator: John Simpson