



**LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL
NEEDS AND DISABILITY**

MONDAY, 9 MARCH 2020

10.30 AM, COUNCIL CHAMBER - COUNTY HALL, LEWES

DECISIONS to be made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley

A G E N D A

- 1 Decisions made by the Lead Cabinet Member on 24 February 2020 (*Pages 3 - 4*)
- 2 Disclosures of interests
Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of items which the Lead Member considers to be urgent and propose to take at the end of the appropriate part of the Agenda
- 4 Proposed Closure of Broad Oak Community Primary School (*Pages 5 - 94*)
Report by the Director of Children's Services
- 5 Any urgent items previously notified under agenda item 3

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28 February 2020

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LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

DECISIONS made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 24 February 2020 at County Hall, Lewes.

33 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 22 JANUARY 2020

33.1 The Lead Member approved as a correct record the minutes of the meeting held on 22 January 2020.

34 REPORTS

34.1 Copies of the reports referred to below are included in the minute book.

35 ADMISSION ARRANGEMENTS 2021/22

35.1 The Lead Member considered a report by the Director of Children's Services seeking approval of the admission arrangements for the 2020/21 school year.

35.2 RESOLVED – to agree the proposed admission arrangements for the 2021/22 school year, including:

- 1) The proposed admission priorities and community areas (including the amendment to the Heathfield Primary schools' community area as set out in the report).
- 2) The proposed admission numbers for community and controlled schools as set out in Appendix 2 of the report (excepting the increase in the PAN for Willingdon Community School, where it will remain at 200); and
- 3) The proposed co-ordinated admissions schemes.

REASONS

35.3 The County Council is required by law to carry out consultation on admission arrangements every seven years, or sooner if there are any changes to those arrangements for the schools where the local authority is the admission authority.

35.4 The determined admission arrangements for community and voluntary controlled schools will be published on the East Sussex County Council website by 15 March 2020 as required under current legislation. Any objection to these arrangements can then be made to the Office of the Schools Adjudicator until 15 May 2020. The final arrangements will be published in the composite prospectus online (and available in hard copy on demand) by 12 September 2020, as required by the School Admissions Code 2014.

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Report to:	Lead Member for Education and Inclusion, Special Educational Needs and Disability
Date of meeting:	9 March 2020
By:	Director of Children's Services
Title:	Proposed closure of Broad Oak Community Primary School
Purpose:	To determine the statutory proposal to close Broad Oak Community Primary School on 31 August 2020.

RECOMMENDATIONS:

The Lead Member is recommended to approve the closure of Broad Oak Community Primary School on 31 August 2020.

1 Background and reason for the proposal

1.1 The local authority has a statutory duty to ensure there are sufficient school places for all children. The [School Organisation Plan 2019-2023](#) sets out the local authority's approach to the organisation and leadership arrangements of schools to maintain the efficiency and effectiveness of provision to ensure that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding.

1.2 On 23 December 2019 the Lead Member for Education and Inclusion, Special Educational Needs and Disability ("the Lead Member") considered a report on the outcome of a statutory consultation on the proposed closure of Broad Oak Community Primary School ("Broad Oak"). The decision to consult on closure of Broad Oak was taken in the context of the local authority's review of rural primary school provision undertaken during the 2018/19 academic year and its statutory duty to ensure there are the right numbers of places in the right locations to meet local demand. The local authority also has to look more widely at the organisation of schools to ensure they are well placed to deliver a high quality education to their local community.

1.3 The Department for Education (DfE) statutory guidance '*Opening and closing maintained schools*' November 2019 ("the DfE guidance") sets out the reasons for closing a maintained school. These include, but are not limited to, where:

- *there are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;*
- *it is to be merged or amalgamated with another school;*
- *it has been judged inadequate by Ofsted and there is no sponsored academy solution;*
- *it is to acquire, lose or change its religious character;*
- *it is no longer considered viable; or*
- *it is being replaced by a new school.*

1.4 The area review identified Broad Oak as being at risk of closure due to its ongoing budget deficit, the high number of surplus places in the Heathfield area, and at Broad Oak in particular, its location in relation to demand arising from local pupil numbers and the quality of education. For these reasons the local authority considers Broad Oak to no longer be viable.

1.5 Having taken account of the feedback received during the consultation and the evidence provided by the local authority, the Lead Member approved the publication of a statutory proposal for the closure of Broad Oak on 31 August 2020. The Lead Member report can be viewed using the following link: [Lead Member report 23 December 2019](#).

2. Statutory proposal

2.1 In accordance with the Education and Inspections Act 2006 (EIA 2006), as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013, a statutory proposal was published on the local authority's consultation hub on 10 January 2020. The proposal can be viewed in **Appendix 1** of this report. The proposal is not related to other published proposals.

2.2 The following groups and organisations were informed of the statutory proposal:

- The DfE
- The governing board of the Woodlands Federation
- Parents and carers
- Staff
- Trade unions
- The Diocese of Chichester
- The Diocese of Arundel and Brighton
- The local MP
- East Sussex County Councillors
- Wealden District Council
- Heathfield and Waldron Parish Council
- Local schools
- Local early years settings

2.3 A brief notice containing the website address of the full proposal and information on: how copies of the proposal could be obtained; that anybody could object to, or comment on, the proposal; the date the representation period ended and the address to which objections or comments could be submitted, was published in the Sussex Express on 10 January 2020 and posted at entrances to the Broad Oak premises.

2.4 Publication of the statutory proposal triggered a four week period of representation when interested parties could object to or comment on the proposal in writing. By the end of the representation period, which ended at midnight on 6 February 2020, 66 responses had been received in the school consultations inbox. A number of individuals also emailed senior officers separately. Each representation and correspondence is available for elected members to view in the Cabinet and Members' rooms. One response was received after the representation period closed.

2.5 The main themes arising from representations to the statutory proposal were largely similar to those raised during the consultation period, namely:

- *the impact on pupils, particularly those with a Special Educational Need or Disability (SEND);*
- *the capacity of local schools to accommodate pupils displaced from Broad Oak;*
- *that other schools in the area should consider reducing their PANs*
- *the impact on pupils' journey times and traffic congestion;*
- *the impact on the community;*
- *the quality of education at Broad Oak;*
- *the presumption against the closure of rural schools and the local authority following due process;*
- *the balance of non-denominational provision in the area;*
- *the local authority should challenge government to provide sufficient funding for schools;*
- *the local authority should provide extra funding to assist Broad Oak over the next two years. This would encourage pupils to return to the school and for new pupils to join the school; and*
- *the local authority's plans for the Broad Oak site should it close.*

2.6 In addition to the points above, respondents also referred to:

- *the effect of Wealden District Council's recent decision to withdraw its draft Local Plan and to begin production of a new Plan; and*
- *a proposal submitted by the Woodlands Federation Governing Board on 27 January 2020 to address the shortfall in funding between 2019 and 2022.*

2.7 Template responses were shared by the school community on the 'Support Broad Oak School' Facebook page to support individuals in making representations to the local authority. These were used by a number of respondents whose representations were similar or identical.

2.8 Along with issues raised above, the DfE guidance describes a number of factors which the decision-maker (in this case the Lead Member) should take into account when determining proposals to discontinue (close) a school. These are set out below.

- *the decision-maker should be satisfied that there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term;*
- *the decision-maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system. The decision-maker should have regard for the local context in which the proposals are being made, taking into account the nature of the area, the age of the children involved and, where applicable, alternative options considered for reducing excess surplus capacity;*
- *the decision-maker should consider the effect that closure would have on the balance of denominational provision in the area. Broad Oak does not have a religious character, but respondents have questioned the possible loss of community places and the 'disproportionate amount of church school places' in the area;*
- *the decision-maker should satisfy themselves that accessibility planning has been taken into account and that the proposal will not adversely impact on disadvantaged groups;*
- *the decision-maker should consider whether the proposal will unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. The decision-maker will need to consider the local context, for example in areas with excessive surplus places, the decision-maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options; and*
- *the decision-maker should adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.*

2.9 The issues and factors set out above are addressed in sections 3 to 14 below.

3. The impact on pupils, particularly those with SEND

3.1 This is a concern for a number of respondents, as is the local authority's support for pupils in transitioning to alternative schools if a decision is taken to close Broad Oak. SEND data for Broad Oak shows that the percentage of SEND pupils identified by the school is 17.3% (9 out of 52), including those with an Education, Health and Care Plan (EHCP), of which there are fewer than five. In comparison, the East Sussex average for SEND pupils in primary schools is 12.7%. The percentage of pupils at Broad Oak with an EHCP is broadly in line with county averages.

Source: October 2019 School Census

3.2 Unless a pupil has an EHCP, the determination of whether a pupil has SEND is down to individual schools in consultation with parents and the threshold varies between schools. However, the percentage at Broad Oak is higher than for East Sussex schools as a whole. All schools have the same duties under the Equality Act 2010 and the Children and Families Act 2014 to identify and provide for pupils with SEND and, unless there are specific provisions named in a statutory plan which would make admission incompatible with the requirement for reasonable adjustments, it is a legal requirement for all schools to comply. As the barriers to learning, that a

pupil with SEND might experience, change over time, the local authority would expect provision to adapt and change alongside these developments. In some cases, pupils may cease to be identified as having SEND if appropriate adjustments are put in place to enable them to overcome barriers and to make progress in line with their peers.

3.3 Attainment for SEND pupils is difficult to compare across schools due to the very small cohorts. As would be expected for this cohort, at Broad Oak and all the alternative schools, some SEND pupils attain at the expected standard and above and some do not.

3.4 Respondents identified the care suite at Broad Oak and their concern about the perceived lack of alternative care suites at other schools in the area. There are care suites at four alternative schools in the wider area providing the same facilities as Broad Oak:

- Cross-in-Hand CE Primary School – full facilities available
- Hawkes Farm Primary Academy – full facilities available
- Park Mead Primary School – full facilities available but some steps between the infant and junior parts of the building
- Punnetts Town Community Primary School – full facilities available

3.5 If the closure goes ahead, change would be managed very carefully with additional support to meet the identified needs in the school community. The local authority recognises the additional challenges for pupils with SEND and particularly those with autism. It also recognises the potential impact on these pupils' families. For this reason, the ISEND Communication Learning Autism Support Service (CLASS) was asked to contact the school before the end of the 2018/19 academic year to offer additional support.

3.6 CLASS have been liaising with Broad Oak's inclusion manager since July 2019, around identified pupils with autism who were experiencing anxiety about the proposals. Two CLASS practitioners worked directly with the pupils, identified by the school staff, in Term 6 of last academic year and Term 1 of the current academic year. Following this support, a number of pupils were identified by the CLASS practitioners and school staff as needing further support which is being provided.

3.7 In addition to this existing support for identified pupils, a team of professionals from the local authority (including a Senior Educational Psychologist, a Senior Manager from CLASS and the ISEND Senior Manager for SEN Practice and Standards) met with Broad Oak's head of school and inclusion manager on 31 January 2020 to identify any additional support needed.

3.8 On 11 February 2020 the local authority held parent support meetings at the school. In total 18 families (28 children) took the opportunity to attend 1:1 sessions with local authority officers to discuss strategies for parents and carers to support their children during this difficult time. A follow up meeting on 19 March 2020 is planned with the head of school and inclusion manager to consider any further support that might be required in terms of supporting the school with changes should it remain open or to provide transition support for parents, carers and their children should the decision be taken to close the school.

4. The capacity of local schools to accommodate pupils displaced from Broad Oak

4.1 At the October 2019 school census there were 1,306 pupils on roll across the nine schools in the Heathfield area with surplus places high at 19%. This is illustrated in the following table.

Pupil numbers in the Heathfield area (October 2019)

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	5	1	6	9	8	6	17	52	140	88	63%
All Saints' and St Richard's	20	15	13	14	10	17	6	14	89	140	51	36%
Cross-in-Hand	60	58	37	42	41	58	44	38	318	420	102	24%
Dallington	15	15	13	17	17	17	14	11	104	105	1	1%
Five Ashes	10	10	10	8	7	13	7	7	62	56	0	0%
Mayfield	30	20	20	27	25	23	24	21	160	210	50	24%
Maynards Green	30	30	30	30	30	33	32	30	215	210	0	0%
Parkside	30	30	30	29	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	16	12	14	17	10	96	105	9	9%
Totals	230	198	166	189	182	213	180	178	1306	1596	301	19%

Data source: October 2019 school census

4.2 In the absence of the official January 2020 school census data, which will not be released by the DfE until mid to late March 2020, the local authority has undertaken an interim assessment of capacity in local schools using pupil number returns submitted by schools in January and February 2020. This has enabled the local authority to assess, albeit informally, the capacity of schools in the Heathfield area to accommodate displaced pupils from Broad Oak should it close on 31 August 2020. The information is provided in the table below.

Provisional pupil numbers in the Heathfield area (January / February 2020)

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	6	1	7	10	9	7	17	57	140	83	59%
All Saints' and St Richard's	20	15	13	13	10	17	6	13	87	140	53	38%
Cross-in-Hand	60	58	40	43	41	64	47	42	335	420	85	20%
Dallington	15	15	12	17	18	17	13	11	103	105	0	0%
Five Ashes	10	10	10	8	7	14	7	7	63	56	0	0%
Mayfield	30	21	22	28	25	19	24	21	160	210	50	24%
Maynards Green	30	32	30	29	30	32	32	31	216	210	0	0%
Parkside	30	30	29	30	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	15	13	14	16	10	95	105	10	10%
Totals	230	202	169	190	185	216	182	182	1326	1596	281	18%

Data source: Pupil number returns by schools in January and February 2020

4.3 Pupil numbers across the nine schools have increased by 20 to 1,326 since the October 2019 school census, with surplus places falling from 19% to 18%. Pupil numbers at Broad Oak have increased by 5 to 57, with surplus places reducing to 59%.

4.4 Schools operate most efficiently and effectively when full or nearly full. To this end the local authority seeks to keep the number of surplus places (the number of places in schools that are unfilled) to a minimum. However, it is generally accepted that not all unfilled places in a school are surplus places, but that a small margin of surplus capacity is often allowed to facilitate parental preference, to take account of the fact that schools with available places may not always be in the part of a planning area where the demand is, and to allow for a degree of error in the forecasts. A school is generally considered to be full when it has less than 5% of its places unfilled. This is in line with the National Audit Office report on Capital Funding for new school places published in 2013, where it states:

“It is considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools”.

4.5 In larger towns around one form of entry (30 intake places) is allowed while in other areas around half a form of entry (15 intake places) is allowed although margins vary depending on specific forecasts, capacities and circumstances. This figure is deemed to give the appropriate amount of flexibility in an area and is set against the need to ensure the efficient use of resources. In practice, the amount of surplus places planned for in an area will also take account of local circumstances.

4.6 By the closing date for primary school applications on 15 January 2020, Broad Oak had received two first preferences for its 2020/21 reception year intake. In comparison, the surrounding primary schools received the following first preferences:

First preferences for 2020/21

School	PAN	1 st preferences
Broad Oak	20	2
All Saints' and St Richard's	20	12
Cross-in-Hand	60	48
Dallington	15	12
Five Ashes	10	4
Mayfield	30	23
Maynards Green	30	40
Parkside	30	39
Punnetts Town	15	19
Totals	230	199

Data source: School admissions system

4.7 The closure proposal would directly affect pupils currently in Reception to Year 5 at Broad Oak. It is apparent from the information provided that, were Broad Oak to close, there would be sufficient places in the surrounding Heathfield area schools to accommodate the estimated 40 Reception to Year 5 pupils who would be displaced from the school at the end of the academic year and the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21. Year 6 pupils currently at Broad Oak would not be directly impacted as they will move on to secondary school in the new academic year.

4.8 The following tables show the local authority's projected pupil numbers for the Heathfield area to 2022/23, taken from the annual update to its pupil forecasts in July 2019. The local authority's pupil forecasts take account of factors such as the local birth rate in the area, demographic projections of future births and current housing plans in the area. Based on information currently available to the local authority on births, house building and future demographic growth in the area; it is confident there would be sufficient capacity in the area to meet future demand for places. The effect of Wealden District Council's recent decision to withdraw its Local Plan is considered in section 11 of this report.

Reception intake and total number on roll forecasts

Reception intake forecasts	Combined PAN	2018/19			2019/20			2020/21			2021/22			2022/23		
		Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %
Heathfield primary review area	230	168	62	27%	198	32	14%	197	33	14%	168	62	27%	189	41	18%

Number on roll forecasts	Combined capacity	2018/19			2019/20			2020/21			2021/22			2022/23		
		Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %
Heathfield primary review area	1596	1299	297	19%	1317	279	17%	1347	249	16%	1354	242	15%	1343	253	16%

Source: January 2019 School Census and ESCC Pupil Forecasts 16.07.19

The Heathfield Primary Area Review Area contains the following schools: All Saints' and St Richard's CE Primary School; Cross-in-Hand CE Primary School; Parkside Community Primary School; Dallington CE Primary School; Broad Oak Community Primary School; Five Ashes CE Primary; Mayfield CE Primary School; Maynards Green Community Primary School and Punnetts Town Community Primary School

4.9 As can be seen from the information above, there are sufficient places in schools in the surrounding area to accommodate pupils from Broad Oak. Based on current pupil numbers across the nine schools, were Broad Oak to close surplus places in the area would reduce from 18% currently to 9%, still above the level recommended by the National Audit Office. Local schools should benefit from the proposal by reducing surplus places in the area and providing more certainty to the remaining schools about pupil numbers. The proposal should create a more sustainable network of schools in the local area thereby reducing the risk of more schools becoming unviable.

5. Displaced pupils and admission arrangements

5.1 Between 1 November 2019 and 15 January 2020 the local authority consulted on a proposal to extend the Heathfield schools community area to incorporate the Broad Oak community area as part of its admission arrangements for 2021/22. The reason for the proposal was to ensure that should a decision be taken to close Broad Oak, children living in the Broad

Oak community area would be able to access a local school. On 24 February 2020 the Lead Member approved the change to the community areas. In approving the change, it was decided that merging the community areas would be of benefit to local families whether Broad Oak closes or not, as it would broaden the range of options available within the area.

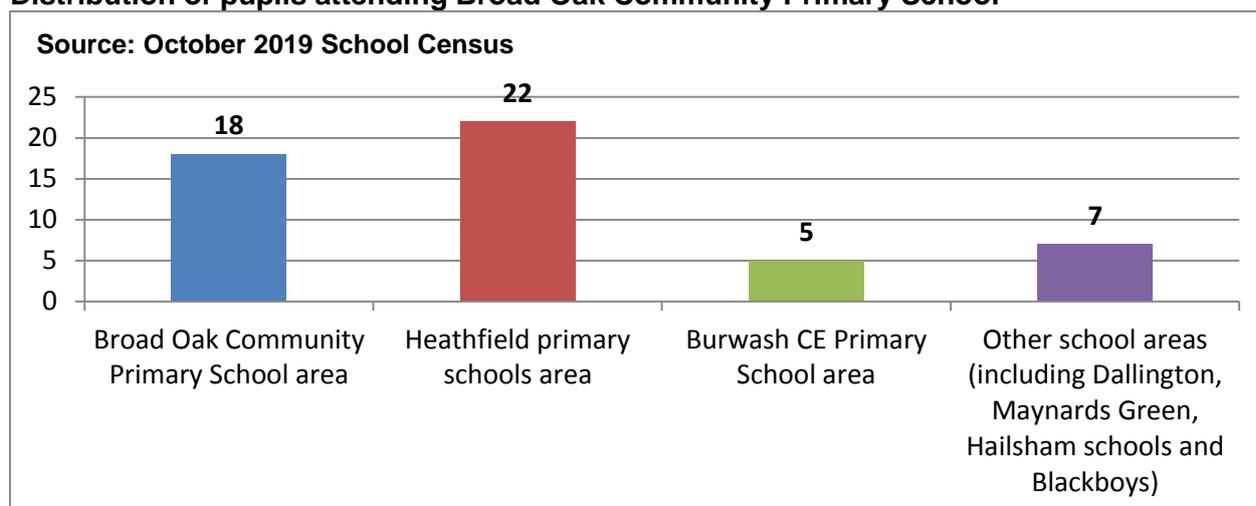
5.2 In the event that a decision is taken to close Broad Oak, the local authority would write to parents and carers asking them to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place either at one of their preferred schools named on the application form or, if this is not possible, at the nearest school to their child's home where a place is available. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the local authority's website at: <https://www.eastsussex.gov.uk/educationandlearning/schools/admissions/>

6. The impact on pupil's journey times and traffic congestion

6.1 According to the October 2019 school census there were 60 primary age pupils living in the Broad Oak community area attending state funded primary schools in East Sussex. Of these, only 18 (30%) attend Broad Oak. The remaining 70% attend other schools in the county.

6.2 The majority of pupils (65%) currently attending Broad Oak are from outside its community area, with the largest proportion (42%) living in the Heathfield schools community area. This is illustrated in the chart below.

Distribution of pupils attending Broad Oak Community Primary School



6.3 From this information it is evident that the majority of pupils attending Broad Oak already face journeys to and from school each day, while most of the primary age pupils living in the Broad Oak community area also choose to travel to schools outside the community area rather than attend their local school. It is highly likely that journey times, and therefore the impact on traffic congestion and the environment, could be reduced in the event that Broad Oak closes as the majority of displaced pupils would have the opportunity to attend schools nearer to their home address.

6.4 Alternative schools are not far from the village and would be in travelling distance for community activities - between 1.5 and 5.4 miles away from Broad Oak as shown in the table below. For the majority of pupils and families these schools could be nearer to their home address.

Distance from Broad Oak Community Primary School to alternative schools in the local area

School	Distances in miles (rounded)
All Saints' and St Richard's	1.5
Cross-in-Hand	2.3
Parkside	2.5
Punnetts Town	2.3
Dallington	3.8
Maynards Green	3.5
Mayfield	3.7
Five Ashes	5.4
Burwash	5.1

6.5 Latest analysis shows that of the 40 Reception to Year 5 pupils likely to be affected by the proposal, approximately 60% live nearer, or the same distance, to an alternative school, with approximately 40% living further away. Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below. From the information currently available, the local authority considers that five pupils would be eligible for free home to school transport to their nearest alternative school, meaning the additional cost to the local authority would be negligible. The local authority acknowledges that some pupils living in the Broad Oak community area and attending the school might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/>

6.6 It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be an increase in car usage. To the contrary, it would be hoped that car usage would reduce thereby having a positive impact on the environment.

7. Quality of education

7.1 Broad Oak last received an Ofsted rating of 'Good' in 2011. At its last two Ofsted inspections in 2016 and 2018 the school was rated overall as requiring improvement. In 2018 the effectiveness of leadership and management, personal development, behaviour and welfare and early years provision were all rated good. However, quality of teaching, learning and assessment and outcomes for pupils were rated as requiring improvement resulting in the overall judgement of requires improvement.

7.2 The local authority has provided a range of support to Broad Oak in recent years for teaching, learning, leadership and management. The school also has a progress group in place which provides additional school improvement support and monitoring from the local authority.

7.3 Prior to 2016 when Broad Oak received the first of its two Requires Improvement judgements from Ofsted, pupil numbers were at or close to the school's capacity of 140. Since then, pupil numbers have declined to 52 at the October 2019 school census, although this number has risen to 57 in February 2020 according to the school.

7.4 A section 8 monitoring visit was undertaken at Broad Oak by Ofsted HMI on 8 October 2019. The monitoring inspection was carried out under section 8 of the Education Act 2005 and took place because the school had received two successive judgements of 'Requires Improvement' at its previous section 5 inspections. The key findings of the inspection were that:

‘Senior leaders and governors are taking effective action to tackle the areas requiring improvement identified at the recent section 5 inspection in order for the school to become good.

“The school should take further action to:

- Continue to develop the school’s curriculum to ensure that it is coherently planned and sequenced so that pupils are able to know more and remember more as they progress through the school*
- Ensure that the recent improvements in the teaching of phonics are sustained so that there is a clear focus on ensuring that younger pupils promptly gain the phonics knowledge necessary to read well*
- Maintain a sharp focus on continuing to improve teachers’ subject knowledge to enhance the teaching of the curriculum.’*

7.5 The monitoring letter also noted the *“Local Authority is providing effective support and challenge to Leaders and Governors to improve the school. Advisers from East Sussex Local Authority are following timely, focused support and guidance in all aspects of the school’s work. Staff training, together with the school’s involvement in specific local authority-led projects, is helping to improve the quality of education in the school.”*

7.6 Respondents cited that Broad Oak was amongst the top two performing schools in Heathfield in 2019. The local authority acknowledges that pupil progress at Key Stage 2 has generally been in line with the national average for reading, writing and mathematics for the last three years, although mathematics was below the national average in 2018. Progress in reading and mathematics strengthened considerably for the 2019 Key Stage 2 cohort. However, the proportion of pupils attaining reading, writing and mathematics (combined) at the expected standard has been in the lowest 20% of schools nationally for three years.

7.7 The budget proposal submitted by the governing board (please refer to section 12) is predicated on a plan to move from three classes to two from September 2020. The governors propose to organise the two classes as follows.

EYFS, KS1 and KS2				KS2		
Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2	6	1	7	10	9	7
One class of approximately 16				One class of approximately 26		

7.8 The local authority believes there is a combination of factors that would make a school of two classes particularly challenging. These range from the economic arguments, through leadership challenges, teacher quality, staff and pupil morale and curriculum provision. There has been a range of research over the fifty years exploring the impact of school size and although much of it has been conducted in the United States there are still points that are valid in the UK.

7.9 In terms of educational outcomes there is little evidence that school size impacts on pupil outcomes, however, when looking at the literature in more detail generally the size of the small primary schools is above 100 pupils. It is the combination of factors that would make the situation at Broad Oak, or any very small school, challenging. The key factors can be summarised as:

- The huge professional challenge for a teacher required to teach across a wide age range. In this case Broad Oak is proposing a class for Reception through to Year 3. This covers three key stages and would mean pupils from ages 4 to 8 in the same class. The teacher would need an in-depth knowledge and understanding of the Early Years Foundation Stage (EYFS) as well as Key Stage 1 and Key Stage 2.
- Teacher quality could be an issue both from a recruitment and retention perspective and from the ability to be able to respond to such a range of needs in one class. Many teachers specialise in early years that will include some elements of Key Stage 1 but it is unlikely that the same teacher would have the training and experience to teach all pupils

through all key stages in the same class. If Broad Oak needs to recruit new staff in the future, attracting teachers to a post where they will be responsible for 3 or 4 year groups in one class may present a role that few will feel they can deliver effectively.

- In terms of pupil outcomes this could create a significant risk with the teacher needing to respond to assessments and national testing in EYFS, Year 1 phonics and Key Stage 1 SATs in one class and Key Stage 2 SATs in the other class where there are multiple year groups in one class. This would test the expertise of the most effective teachers and could have a negative impact on both pupil progress and outcomes.
- Curriculum planning and delivery could also be an issue. With the National Curriculum that was updated in 2014 and the new Ofsted Inspection framework from September 2019 there is a requirement to teach a broad and balanced curriculum and to evidence pupil's learning and progress across a wide range of subjects beyond the core of English, maths and science. There is a need to sequence the curriculum in such a way as pupils build on their skills and knowledge over time. This is complex in a larger school and in a very small school like Broad Oak would be even more challenging to deliver a coherent and fit for purpose curriculum. It would require at least a three year rolling curriculum if there are three years in a single class. Particularly in PE and school sport it would be very challenging to deliver quality provision and good outcomes with such a diverse range of skills and ability in a class.
- Extra-curricular and enrichment activities could also be a challenge. Given the limitations in staffing the opportunities for pupils to take part in a diverse range of learning opportunities beyond the classroom will be extremely limited. Again, using the example of school sport playing in school teams and joining local events could be difficult, therefore overly limiting for pupils.
- Leadership capacity at all levels could also present a significant challenge. Small schools, where there are only four or five teachers, experience difficulties in terms of the distribution of work. With only two teachers, each teacher would have to be the subject lead for multiple curriculum areas and have responsibility for learning and progress, curriculum planning and assessment in a range of subjects. Even though the teachers would probably draw on support for subject leadership across the federation there would still need to be leadership for all aspects of learning in the school and teachers would need to understand the curriculum and how it relates to the context of each school. This is a huge challenge and a significant impact on teacher workload.
- The research also talks about the impact on teacher and pupil morale and suggests that extremely small and extremely large schools struggle with this dimension. In the governing board's proposal for a two-class school, a pupil could be taught by the same teacher for four years, there would be no flexibility to move pupils or staff to create or manage different class dynamics.

7.10 In conclusion there are multiple reasons why such a small school would be both uneconomic and educationally inadvisable and these have been outlined above. In a research paper by Slate and Jones 2005 where they reviewed the literature relating to school size they concluded; '*The research shows that both very small and very large schools are negatively related to school quality. In both cases the school will lack appropriate resources to serve students effectively.*' The local authority is also concerned about how parents and carers would perceive a two-class school in the future when applying for a school place for their children.

7.11 All other schools in the Heathfield area are rated good or outstanding by Ofsted.

8. Balance of denominational provision

8.1 As a local authority community school, Broad Oak does not have a particular religious character. Currently there are 931 denominational places and 665 non-denominational places in the Heathfield area. Should Broad Oak close the number of non-denominational places would reduce to 525.

8.2 It is not unusual for rural parts of the county to have only denominational schools and no community provision at all. Examples include the review areas of North Chailey, Battle, Robertsbridge and Wadhurst. All non-denominational state funded schools in England have to provide collective worship of “a broadly Christian character”, the Diocese of Chichester Diocesan Board of Education recognises “*that church schools serve the whole community and are not exclusive to worshipping families*”.

8.3 Parental preference would be considered where possible when allocating alternative school places to pupils at Broad Oak, but parents do have the right to have their children excused from worship in any state funded school, whether denominational or non-denominational.

8.4 The three non-denominational schools in the Heathfield area other than Broad Oak (Parkside, Punnetts Town and Maynards Green) currently have 10 spare community school places between them. Other community schools are available in the wider area surrounding Heathfield, for example in Hailsham where a number of pupils on roll at Broad Oak live.

9. Impact on the local community

9.1 The community impact assessment, undertaken as part of the initial consultation, identified a number of possible areas where the proposal could have some negative impact on a small number of local families and the local community, but also some mitigating factors which limit the impacts.

Issue	Potential Impact	Mitigating Factors	Conclusions
Impact on pupils	Coping with change to a new school environment.	The local authority and schools would work to minimise disruption arising from transition.	Initially negative; later potentially positive in terms of widening peer groups and accessing different facilities. Overall: Neutral
Impact on parents and families	Loss of clubs and events.	All the alternative schools provide a range of clubs and events.	Neutral
Impact on wider community	Losing a community venue.	Broad Oak has a village hall and the village is very close to Heathfield and other villages which host events in community venues.	Potentially negative but could be mitigated by use of village hall.
	Local shop losing trade	None	Potentially negative
	Losing access to Community Defibrillator	There are two further community defibrillators located in Broad Oak. The defibrillator at the school could be relocated to an alternative community venue.	Neutral
Access to same school designation	A number of pupils could be offered places at denominational schools.	Parents can opt their children out of collective worship in any school.	Neutral

Issue	Potential Impact	Mitigating Factors	Conclusions
Impact on neighbouring schools	Neighbouring schools would offer places to pupils currently at the school.	There are sufficient places at surrounding schools to take all the pupils from the school.	Positive
Impact on pupil travel arrangements	Some families may experience increased costs and travel time to school; others may experience reduced costs and travel time to school.	For the majority of pupils there are alternative schools nearer to their home address. Some pupils living in Broad Oak might face longer journeys to and from an alternative school each day. However, for many their nearest alternative school is within statutory walking distance. Free home to school transport would be available for eligible pupils.	Potentially negative for pupils living in Broad Oak who might face longer journeys to and from school each day.
Impact on community demographics	Closure of the school may impact the balance of community.	The birth rate in the village is low and projected to remain so. The majority of children in the village do not attend the local school. Very few of the pupils arising from new housing will be in houses built in Broad Oak. The majority of new homes will be in school admissions areas served by other schools.	Neutral

9.2 In any small community, the loss of one institution or business would be felt proportionately more than in a larger community and the closure of a school in a village community would undoubtedly impact. Good schools engage parents in their children's education and reach out to the wider community for support, as well as providing community facilities. However, these must be considered beneficial side-effects to the main duty of a school which is to provide a quality education to its pupils. Numbers on roll, budget deficits and quality of education must be the considerations in any decision on the future of a school and, while a community may be impacted by a decision to close; this cannot be the overriding factor.

9.3 The DfE guidance refers to the fact that some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. The DfE guidance states that '*Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means*'. This is addressed in the Community Impact Assessment appended to this report – although the events and clubs that Broad Oak currently run would be discontinued if the school closes, other schools in the local area provide events, clubs and wrap around care for pupils.

9.4 No new community impacts were identified during the representation period. The local authority's Community Impact Assessment which was appended to the 23 December Lead Member report, has been updated and is available at **Appendix 2**.

10. The presumption against the closure of rural schools

10.1 Broad Oak is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2019. The local authority carefully considered the factors set out in section 15(4) of the Education and Inspections Act 2006 during the initial consultation and reported the outcome in the 23 December 2019 Lead Member report. The report has been updated and can be viewed at **Appendix 3**.

11. The effect of Wealden District Council's decision to withdraw its draft Local Plan

11.1 On 19th February 2020 Wealden District Council (WDC) took the decision to withdraw its Local Plan after the Planning Inspector found that the Plan could not proceed in its current form. WDC has subsequently embarked on the process of developing a new Local Plan.

11.2 This will inevitably lead to a period of uncertainty while WDC reviews its position and begins to form an opinion on the likely quantum and location of future housing development it has to plan for in the district. What is almost certain is that this will lead to a greater number of new homes being built in the district in future years. What is less certain at this stage is how much more and where in the district this might happen. The details of this will become more apparent over time, but currently there are no indications from WDC that they will look to Heathfield or the village of Broad Oak to provide significantly more or any less housing than is already planned. Both settlements are prominent within the High Weald Area of Outstanding Natural Beauty (AONB), where the National Planning Policy Framework (NPPF) specifically guards against large scale residential development.

11.3 In the meantime, the local authority must continue to discharge its statutory duty in terms of ensuring there are sufficient school places to meet demand and that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding. Further, given the planning restrictions around Heathfield and Broad Oak and the indication from WDC as detailed in paragraph 11.2, the local authority does not consider it would be reasonable or proportionate to amend the current proposal on the basis of the likely potential impact on housing development in the area.

11.4 While some may argue that Broad Oak should remain open until there is more certainty about the future position in Wealden, the local authority considers this would create its own uncertainty for the school community and is unlikely to immediately affect pupil numbers at the school and in the wider area. If the local authority finds in the future that there is a requirement for new places in the district as a result of new housing developments, it would look to provide these places locally to where the demand is.

12. The proposal from the Woodlands Federation Governing Board to address the shortfall in funding

12.1 On 27 January 2020 the governing board of the Woodlands Federation submitted a proposal to the local authority to address the funding shortfall Broad Oak faces. The proposal is available for elected members to view in the Cabinet and Members' rooms.

12.2 Local authority officers met with the governing board on 5 February 2020 to learn more about the proposal which is predicated on Broad Oak reducing to two classes from September 2020, restructuring the leadership team across the three schools and using the combined federation budget to absorb any future budget deficit at Broad Oak. The table below, taken from the governors submission, illustrates the three-year budget submitted by governors in May 2019 (in grey), the latest proposal for Broad Oak moving to two classes and implementing its leadership restructure (in orange), and the joint federation budget that arises from these proposals (in white).

Broad Oak budget May 2019			Broad Oak budget January 2020			Federation budget January 2020		
ESCC figures for Broad Oak			Broad Oak School figures			Joint Federation Budget figures		
2019/20	2020/21	2021/22	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
£0	-£73,820 Deficit	-£203,435 Deficit	+£7,165	-£29,104 Deficit	-£96,622 Deficit	+£35,596	+£21,481	-£33,894 Deficit

12.3 The governing board is proposing to move to a joint federation budget from April 2020. The table above shows that whilst the joint federation budget for all three schools would be in surplus at the end of 2019/20 (+£35,596), the surplus would decrease in 2020/21 (+£21,481) and by 2021/22 the budget would be in deficit (-£33,894). Individually, Broad Oak would carry forward a small surplus at the end of 2019/20 before going into deficit in 2020/21 (-£29,000) and in 2021/22 (-£96,000). Even in the proposed structure the joint federation budget is unable to offset the predicted budget deficit at Broad Oak by 2021/22.

12.4 The table below sets out how the joint federation budget is calculated. The unviability of Broad Oak remains but is offset by the relatively strong budget position of Dallington and to a lesser extent Punnetts Town.

Broad Oak			Dallington			Punnetts Town			Federation joint budget		
2019/20	2020/21	2021/22	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22	2019/20	2020/21	2021/22
+£7,165	-£29,104	-£96,622	+£20,481	+£46,414	+£62,699	+£7,950	+£4,171	+£29	+£35,596	+£21,481	-£33,894

12.5 What is evident from the governing board's proposal is that, despite the move to two classes from September 2020 and the proposed leadership restructure across the federation, Broad Oak would still be financially unviable in its own right. The school is reliant on Dallington and to a lesser extent Punnetts Town, to prop it up: pupils at Dallington would effectively be denied funding which is due to them for their education to support continuing provision at Broad Oak.

12.6 Each school in a federation must remain financially viable in order not to disadvantage pupils in other schools within the federation. The National College for Teaching and Leadership publication 'The Governance of Federations' August 2014 sets out the benefits or disadvantages of pooling budgets:

*'Pooled budgets allow schools to achieve economies of scale and afford services and facilities beyond the reach of a single school. The federated governing body receives the delegated budget for all the schools in the federation which it can then allocate to each individual school or budgets can be used collectively with the agreement of governors. The federated governing body has control over how much is put into the shared pot for joint provision. **Each school must remain financially viable** so any shared commitments must be realistic and not threaten the viability of individual schools'.*

12.7 Of equal concern to the local authority is the significant reduction of leadership capacity in the proposed structure. The proposed structure provides for 2fte (full-time equivalent) executive headteacher posts across the federation from September 2020 paid on lower grades than current arrangements. This would deliver leadership capacity of 0.66fte per school, or 3.3 days a week. While the governing board has not indicated how the time would be distributed across the three schools there are only limited options. For example:

- Both executive headteachers would cover each school for 1.65 days a week; or
- Two schools would have one executive headteacher for 3.3 days a week and one school would have two executive headteachers, each for 1.65 days.

12.8 Either option would place significant pressure on the two executive headteachers. Discharging effective, coherent and consistent leadership in one school over 3.3 days is difficult,

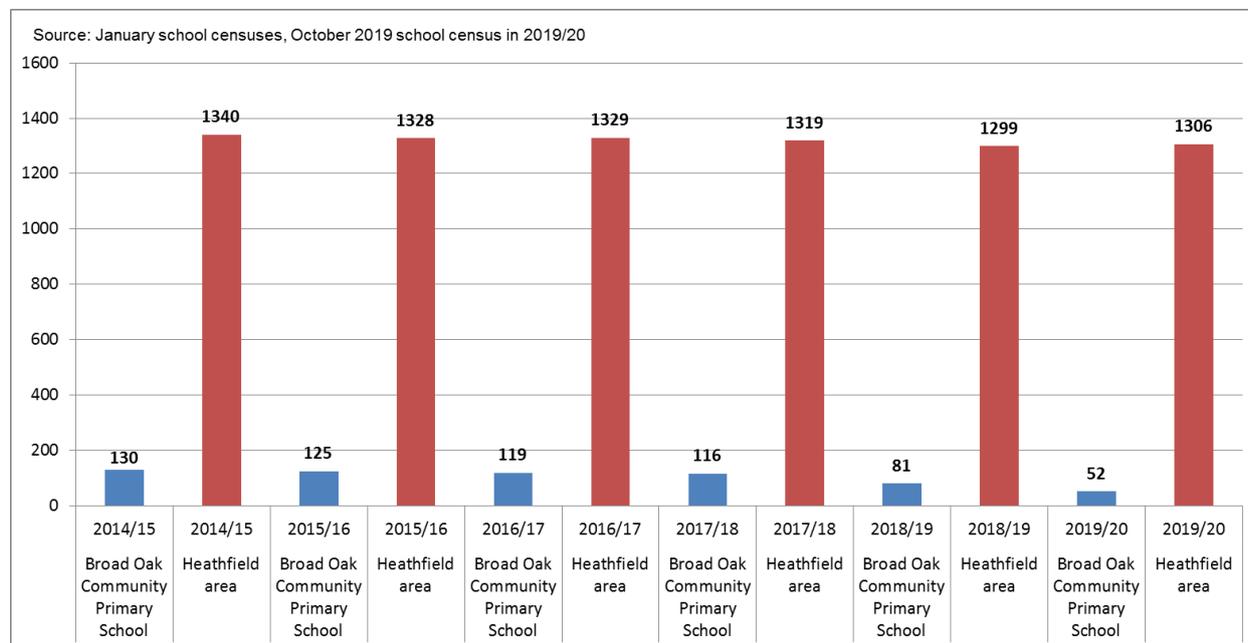
but doing so in two, possibly three schools is, in the local authority's opinion, unachievable. This has the potential for creating significant performance vulnerabilities in each school.

12.9 The proposal includes a 0.6fte inclusion manager, working one day a week at each school. This would increase leadership capacity to 4.3 days a week, still below a full-time post at each school. If the inclusion manager is to provide additional leadership capacity across the three schools, it would reduce their key role in supporting pupils with additional and special education needs, something which parents and carers have raised regularly as a strength of the federation and Broad Oak in particular.

12.10 Leadership at Dallington and Punnetts Town would be severely compromised in order to support ongoing provision at Broad Oak and the local authority does not agree that this creates a viable leadership model for the federation. The proposed structure does not include any allowance for deputy or assistant headteacher roles. There is no indication where absence cover would come from in the event that one or more of the executive headteachers or inclusion manager are absent from school. Arguably the resources used to offset the Broad Oak deficit could be spent on more leadership capacity within Dallington and Punnetts Town if Broad Oak were to close.

12.11 In addition, budgets for supply teaching and agency staff have been significantly reduced and there is no contingency or flexibility built into the budget for unplanned events. It is generally considered prudent for a school to plan for a small level of reserve between 3% and 5% each financial year. This is not achievable for Broad Oak and appears to be the case across the joint federation budget in 2020/21 and 2021/22. These factors do not appear to have been accounted for in the proposal which creates a significant risk for all three schools.

12.12 The governing board has indicated that it would seek to build the school from a projected 40+ pupils on roll in September 2020 to a total of 70+ pupils during the next academic year, an increase of 30 or approximately four pupils per year group. Pupil numbers at Broad Oak have fallen from 130 at the January 2015 school census to 52 at the October 2019 school census. In the same time pupil numbers overall in the Heathfield area have fallen from 1,340 to 1,306.



12.13 While the local authority understands the governing board's ambition it considers it to be lacking in evidence and unachievable. It is difficult to see where the additional pupils would come from other than existing schools in the area. Governors would therefore need to encourage families of 30 pupils that the education offer at Broad Oak is better than that at other schools in the area. Even if the school were able to achieve this ambitious target it would have a knock-on effect on other schools that would in turn lose pupils from their roll.

13. Equality Impact Assessment

13.1 The Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 ('the PSED') in considering the proposal to close Broad Oak. An Equality Impact Assessment (EqIA) was carried out during the consultation period and was appended to the 23 December 2019 Lead Member report at Appendix 3. The EqIA has been reviewed to take account of responses received during the representation period. No new equality impacts were identified during the representation period. An updated EqIA is provided at **Appendix 4** of this report.

14. Alternative options to closure

14.1 As explained in the 23 December Lead Member report, a number of alternative options were considered by the local authority before agreeing to consult on the proposed closure of Broad Oak. These were included in the consultation document and are set again below for ease of reference:

- **Federation**

Broad Oak is in a federation with Punnetts Town Community Primary School (Punnetts Town) and Dallington CE Primary School (Dallington). Although federations are recognised as a way of enabling smaller schools to work more formally in partnerships to share costs, this has not addressed the financial challenges faced at Broad Oak.

- **Amalgamation**

Consideration was given to amalgamating Broad Oak with Punnetts Town. This option was discounted because there is little pupil movement between the two schools and there is insufficient capacity at either site to accommodate all the pupils on roll across the two schools.

- **Linked infant and junior schools**

Consideration was given to merging Broad Oak with Punnetts Town with one school becoming an infant school and the other a junior school. The local authority's School Organisation Policy states that it is committed to amalgamating infant and junior schools as data analysis shows that overall Key Stage 2 pupil outcomes are higher in East Sussex all through primary schools in comparison to junior schools where children transfer at the start of year 3. As stated above, there is little pupil movement between the two schools, and this would not address the low pupil numbers and budget challenges the school faces. For these reasons this option was discounted.

- **Academisation**

In undertaking their due diligence, academy trusts, both local and national, find some small schools to be financially unviable or too isolated to be included in their trust, unless they convert with other small schools as a local hub. Governors have not expressed a desire to academise, and no academy trust has approached the local authority about taking the school into their trust. This would not address the low pupil numbers and budget challenges the school faces.

- **No change**

As outlined in the consultation document, Broad Oak has been undersubscribed in each of the last five years and pupil numbers fall significantly short of its published admission number each year. There is very little in-area demand for places at the school. The school faces significant financial challenges as set out in 3.11 above. Doing nothing is not an option.

14.2 A number of alternative options to closure were suggested by respondents to the initial consultation, but these were discounted for the reasons set out in the 23 December Lead Member report. No new options came forward during the representation period, other than Broad Oak reducing its PAN from 20 to 10, alongside other schools being encouraged to reduce theirs

PANs, and turning Broad Oak into a special school. While reducing PANs at one or more schools would remove surplus places from the area it would not address the ongoing challenges that Broad Oak faces. Converting Broad Oak into a special school would still result in all the pupils at the school having to find an alternative school as the special school would only be for pupils with an EHCP which indicates special school not mainstream provision.

15. School site

15.1 As indicated in the 23 December 2019 Lead Member report, some respondents wrongly believe that the local authority has already agreed to sell the school site to a property developer and that the closure proposal is simply about the local authority making money. This is not the case; no discussions about the site have taken place at any level. Should the school close any future consideration of options for the site would take account of wider local authority needs and current planning policy.

16. Conclusion and recommendations

16.1 The majority of respondents to the initial consultation and the subsequent representation period overwhelmingly object to the proposed closure of Broad Oak; there is a clear strength of feeling that the school provides a good quality of education, that staff are extremely committed and hard-working and that parents and carers are happy with the provision made for their children. Respondents also believe the budget deficit can be managed across the federation and that the school should be given the opportunity to grow its numbers over time.

16.2 The local authority considers the governing board's proposal does not create a sustainable model for the school or the federation as a whole. Broad Oak must be sustainable in its own right, but in the proposal it is largely being propped up by Dallington which will disadvantage pupils there. In addition, leadership at Dallington and Punnetts Town schools would be compromised in the redistribution of limited leadership capacity across three schools rather than two.

16.3 Surplus places in the Heathfield area, and at Broad Oak in particular, remain high. No viable alternative solutions or actions have been identified during the consultation period or the subsequent representation period to address the ongoing budget concerns at the school and the issue of surplus places in the area.

16.4 While recognising the level and nature of objection to the proposal and the potential impact on the small number of pupils living in the Broad Oak community area, the local authority believes the case for the closure of Broad Oak remains strong for the following reasons.

- the governing board's budget proposal is predicated on the school moving to a two-class structure from September 2020. Even then, the school would be in deficit from 2020/21 and would rely on Dallington in particular to prop up its budget. This would deny funding to Dallington pupils who could be negatively affected;
- in addition to using the budget from Dallington to underwrite Broad Oak's deficit, leadership capacity in Broad Oak, Dallington and Punnetts Town would be significantly reduced to offset the costs of keeping Broad Oak open. All three schools would have insufficient headship capacity to discharge effective, coherent and consistent leadership which has the potential for creating significant performance vulnerabilities in each school;
- the surplus places in the area, and at the school in particular, are still high and the forecast demand for places in the coming years does not indicate that the situation in the area will markedly change; and
- there are sufficient places at other schools in the area to accommodate displaced pupils from the school.

16.5 Having listened carefully to the feedback received during the initial consultation and the subsequent representation period, the local authority has reluctantly concluded that Broad Oak can no longer be considered viable.

16.6 The DfE guidance sets out the options the decision-maker has when issuing a decision. The decision-maker can:

- *reject the proposal;*
- *approve the proposal without modification;*
- *approve the proposal with such modifications as they think desirable; or*
- *approve the proposal – with or without modification – subject to certain conditions being met, as specified in regulation 16 of the Establishment and Discontinuance Regulations.*

16.7 For the reasons set out in the report, the local authority believes the proposal should be approved without modification or conditions. The Lead Member is therefore recommended to approve the closure of Broad Oak Community Primary School on 31 August 2020.

16.8 In reaching this recommendation, the local authority has followed the statutory process set out in part 4 of the DfE guidance, in accordance with Section 15 of the EIA 2006, as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.

STUART GALLIMORE
Director of Children's Services

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LOCAL MEMBERS

Councillor Bill Bentley

APPENDICES

Appendix 1 – Statutory proposal
Appendix 2 – Updated Community Impact Assessment
Appendix 3 – Updated Presumption Report
Appendix 4 – Updated Equality Impact Assessment

BACKGROUND DOCUMENTS

None

Appendix 1

SECTION 15 OF THE EDUCATION AND INSPECTIONS ACT 2006 (AS AMENDED BY THE EDUCATION ACT 2011) and the SCHOOL ORGANISATION (ESTABLISHMENT AND DISCONTINUANCE OF SCHOOLS) REGULATIONS 2013

PROPOSED CLOSURE OF BROAD OAK COMMUNITY PRIMARY SCHOOL

1. Contact details

Name and address of the local authority making the proposal

East Sussex County Council
County Hall, St Anne's Crescent, Lewes BN7 1UE

Name, address and category of school

Broad Oak Community Primary School
Scotsford Road, Broad Oak, Heathfield TN21 8UD

The school is a community school.

2. Implementation

The proposal is to discontinue Broad Oak Community Primary School ("the school") with effect from 31 August 2020.

3. Reason for closure

East Sussex County Council has a statutory duty to ensure there are sufficient school places for all children. The [School Organisation Plan 2019-2023](#) sets out the local authority's approach to the organisation and leadership arrangements of schools to maintain the efficiency and effectiveness of provision to ensure that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding.

The decision to consult on closure of the school was taken in the context of the local authority's review of rural primary school provision undertaken during the 2018/19 academic year and its statutory duty to ensure there are the right numbers of places in the right locations to meet local demand. The local authority also has to look more widely at the organisation of schools to ensure they are well placed to deliver a high quality education to their local community. The area review identified the school as being at risk of closure for the following reasons.

The school is a small, rural community primary school. The school is part of the Woodlands Federation with Punnetts Town Community Primary School and Dallington CE Primary School. The school has a published admission number (PAN) of 20 and capacity for 140 pupils (20 x 7 year groups). Information and evidence gathered during the area review of primary school places shows that the school has been under-subscribed in each of the last five years and pupil numbers fall significantly short of the school's PAN each year. The school was allocated 7 reception pupils for September 2019, at the October 2019 school census only 5 reception pupils were on roll. The 10-year average birth rate in the school's community area is less than 8 per annum. There is very little house building planned in the school's community area to help grow the birth rate which means that in-area demand for places at the school will remain low.

Between the May 2019 and October 2019 school censuses, pupil numbers at the school fell from 83 to 52. 13 Year 6 pupils left the school at the end of the last academic year to be replaced by 5 reception pupils, a net reduction of 8 pupils. The local authority recognises that the consultation on closure has contributed to the further reduction in pupil numbers. There are 88 (63%) surplus places at the school.

According to the October 2019 school census, only 18 (30%) of the 60 pupils living in the Broad Oak community area and attending state funded primary schools in East Sussex, attend the school. This equates to only 35% of the school's number on roll of 52. In comparison, 42% (22 pupils) of the school's cohort live in Heathfield where there are surplus places at schools a short distance away e.g. All Saints' and St Richard's CE Primary School and Cross-in-Hand CE Primary School (36% and 24%

respectively).

The governing board's three-year budget plan, submitted in May 2019, showed the following budget position.

Financial year	End of year
2019/20	£0
2020/21	-£73,820 Deficit
2021/22	-£203,435 Deficit

The school has already restructured to make savings by moving from four classes to three in September 2019. The governors have not identified where further savings could be made.

Despite respondents to the consultation referencing the budget deficit, no plans have been forthcoming from the governing board in terms of how the deficit can be addressed. On 7 January 2020 the information on the Go Fund Me website indicated that £2,073 had been raised of the school's £100,000 target.

An interim estimate of the 2020/21 budget using the current pupil numbers and the new funding assumptions contained in the announcement from the government shows that, whereas the school's income might have been between £370,000 and £375,000 based on previous pupil numbers built into the school's budget plan, the likelihood is that the income could reduce to somewhere between £314,000 and £318,000 based on current numbers and will further increase the budget deficit. Governors were unable to provide a clear strategy to overcome the financial challenge prior to the consultation when pupil numbers were higher; the budget projection is now significantly worse making it even harder for governors to identify a viable solution.

The school last received an Ofsted rating of 'Good' in 2011. At its last two Ofsted inspections in 2016 and 2018 the school was rated overall as requiring improvement. In 2018 the effectiveness of leadership and management, personal development, behaviour and welfare and early years provision were all rated good. However, quality of teaching, learning and assessment and outcomes for pupils were rated as requiring improvement resulting in the overall judgement of requires improvement.

The local authority has provided a range of support to the school in recent years for teaching, learning, leadership and management. The school also has a progress group in place which provides additional support and monitoring from the local authority.

Prior to 2016 when the school received the first of its two Requires Improvement judgements from Ofsted, pupil numbers were at or close to the school's capacity of 140. Since then, pupil numbers have declined to 52.

A section 8 monitoring visit was undertaken at the school by Ofsted HMI on 8 October 2019. The monitoring inspection was carried out under section 8 of the Education Act 2005 and took place because the school had received two successive judgements of 'Requires Improvement' at its previous section 5 inspections. The key findings of the inspection were that:

'Senior leaders and governors are taking effective action to tackle the areas requiring improvement identified at the recent section 5 inspection in order for the school to become good.'

"The school should take further action to:

- Continue to develop the school's curriculum to ensure that it is coherently planned and sequenced so that pupils are able to know more and remember more as they progress through the school*
- Ensure that the recent improvements in the teaching of phonics are sustained so that there is a clear focus on ensuring that younger pupils promptly gain the phonics knowledge necessary to read well*
- Maintain a sharp focus on continuing to improve teachers' subject knowledge to enhance the teaching of the curriculum.'*

The monitoring letter also noted the “*Local Authority is providing effective support and challenge to Leaders and Governors to improve the school. Advisers from East Sussex Local Authority are following timely, focused support and guidance in all aspects of the school’s work. Staff training, together with the school’s involvement in specific local authority-led projects, is helping to improve the quality of education in the school.*”

The vast majority of respondents to the consultation, which ran from 5 July to 11 October 2019, overwhelmingly object to the proposed closure; there is a clear strength of feeling that the impact on current pupils and the local community would be significant. However, the challenge of the school’s deficit budget remains and will be made worse by the reduction in pupil numbers at the school since the consultation was launched. The situation of significant surplus places in the Heathfield area, and at the school in particular, remains, and no action has been identified in the consultation process to address this critical issue. While recognising the level and nature of objection to the proposal, the case for closure of the school continues to be strong.

4. Pupil numbers and admissions

The school is a small rural co-educational school with an age range of 5-11. The school has a PAN of 20 and capacity for 140 pupils (20 x 7 year groups).

Currently there are 52 pupils on roll, as illustrated below.

Pupil numbers 2019/20

2019/20 pupil numbers	PAN	Capacity	2019/20 number on roll							Total
			Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	
Broad Oak Community Primary School	20	140	5	1	6	9	8	6	17	52

Source: October 2019 School Census

52% of the school’s current pupils are male and 48% are female.

Source: October 2019 School Census

Special Education Needs (SEN) data for Broad Oak shows that the percentage of SEN pupils identified by the school is 17.3% (9 out of 52), including those with an Education, Health and Care Plan (EHCP), of which there are fewer than five.

Source: October 2019 School Census

At full capacity the school would be expected to organise across five classes. Due to its low pupil numbers the school is currently organised across three classes as follows:

Reception, Year 1 and Year 2 class of 12
 Year 3 / 4 class of 17
 Year 5 / 6 class of 23

5. Displaced pupils

Should the school close it is proposed that, for admissions purposes, the Heathfield schools community area would be extended to incorporate the Broad Oak community area. On 4 November 2019 the Lead Member for Education and Inclusion, Special Educational Needs and Disability gave approval for the local authority to consult on the proposal to ensure that, should the school close, children living in the Broad Oak community area would be able to access a local school. Any decision on the proposed change to the community area would be subject to the outcome of the closure proposal.

Parents and carers of pupils at the school would be able to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place either at one of their preferred schools named on the application form or, if this is

not possible, at the nearest school to their child's home where a place is available. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the local authority's website at:

<https://www.eastsussex.gov.uk/educationandlearning/schools/admissions/>

The local authority has assessed the current capacity at the school and other schools in the surrounding area. Surplus places in the Heathfield area remain high at 19%, as illustrated.

Pupil numbers in the Heathfield area

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	5	1	6	9	8	6	17	52	140	88	63%
All Saints' and St Richard's	20	15	13	14	10	17	6	14	89	140	51	36%
Cross-in-Hand	60	58	37	42	41	58	44	38	318	420	102	24%
Dallington	15	15	13	17	17	17	14	11	104	105	1	1%
Five Ashes	10	10	10	8	7	13	7	7	62	56	0	0%
Mayfield	30	20	20	27	25	23	24	21	160	210	50	24%
Maynards Green	30	30	30	30	30	33	32	30	215	210	0	0%
Parkside	30	30	30	29	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	16	12	14	17	10	96	105	9	9%
Totals	230	198	166	189	182	213	180	178	1306	1596	301	19%

Data source: October 2019 school census.

The following tables show the local authority's projected pupil numbers for the Heathfield area taken from the annual update to its pupil forecasts in July 2019. The local authority's pupil forecasts take account of housing plans in the area and the likely demand for school places they will generate.

Reception intake and total number on roll forecasts

Reception intake forecasts	Combined PAN	2018/19			2019/20			2020/21			2021/22			2022/23		
		Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %
Heathfield primary review area	230	168	62	27%	198	32	14%	197	33	14%	168	62	27%	189	41	18%

Number on roll forecasts	Combined capacity	2018/19			2019/20			2020/21			2021/22			2022/23		
		Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %
Heathfield primary review area	1596	1299	297	19%	1317	279	17%	1347	249	16%	1354	242	15%	1343	253	16%

Source: January 2019 School Census and ESCC Pupil Forecasts 16.07.19

The Heathfield Primary Area Review Area contains the following schools: All Saints' and St Richard's CE Primary School; Cross-in-Hand CE Primary School; Parkside Community Primary School; Dallington CE Primary School; Broad Oak Community Primary School; Five Ashes CE Primary; Mayfield CE Primary School; Maynards Green Community Primary School and Punnetts Town Community Primary School

According to the October 2019 school census, pupil numbers across the nine schools (1,306) are eleven lower than the numbers projected when the forecasts were finalised in July 2019 (1,317). Should the school close, the combined PAN in the area would reduce to 210 and capacity would fall to 1,456. There would be sufficient places in the surrounding schools to accommodate displaced pupils from the school. Based on current pupil numbers, surplus places in the area would accordingly reduce from 19% to 10%, still well above the level recommended by the National Audit Office in its report on Capital Funding for new school places published in 2013. The report states:

"It is considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools".

Local schools should benefit from the proposal by reducing surplus places in the area and providing more certainty to the remaining schools about pupil numbers. The proposal should create a more sustainable network of schools in the local area thereby reducing the risk of more schools becoming unviable.

SEN provision is addressed in section 11 below, but all schools have the same duties under the Equality Act 2010 and the Children and Families Act 2014 to identify and provide for children with SEN. This would continue to be the case should the school close.

6. Impact on the community

The community impact assessment, undertaken as part of the consultation, identified a number of possible areas where the proposal could have some negative impact on a small number of local families and the local community, but also some mitigating factors which limit the impacts.

Issue	Potential Impact	Mitigating Factors	Conclusions
Impact on pupils	Coping with change to a new school environment.	The local authority and schools would work to minimise disruption arising from transition.	Initially negative; later potentially positive in terms of widening peer groups and accessing different facilities. Overall: Neutral
Impact on parents and families	Loss of clubs and events.	All the alternative schools provide a range of clubs and events.	Neutral
Impact on wider community	Losing a community venue.	Broad Oak has a village hall and the village is very close to Heathfield and other villages which host events in community venues.	Potentially negative but could be mitigated by use of village hall.
	Local shop losing trade	None	Potentially negative
	Losing access to Community Defibrillator	There are two further community defibrillators located in Broad Oak. The defibrillator at the school could be relocated to an alternative community venue.	Neutral
Access to same school designation	A number of pupils could be offered places at faith schools.	Parents can opt their children out of collective worship in any school.	Neutral
Impact on neighbouring schools	Neighbouring schools would offer places to pupils currently at the school.	There are sufficient places at surrounding schools to take all the pupils from the school.	Positive
Impact on pupil travel arrangements	Some families may experience increased costs and travel time to school; others may experience reduced costs and travel time to school.	For the majority of pupils there are alternative schools nearer to their home address. Some pupils living in Broad Oak might face longer journeys to and from an alternative school each day. However, for many their nearest alternative school is within statutory walking distance. Free home to school transport would be available for eligible pupils.	Potentially negative for pupils living in Broad Oak who might face longer journeys to and from school each day.

Issue	Potential Impact	Mitigating Factors	Conclusions
Impact on community demographics	Closure of the school may impact the balance of community.	The birth rate in the village is low and projected to remain so. The majority of children in the village do not attend the local school. Very few of the pupils arising from new housing will be in houses built in Broad Oak. The majority of new homes will be in school admissions areas served by other schools.	Neutral

In any small community, the loss of one institution or business will be felt proportionately more than in a larger community and the closure of a school in a village community will undoubtedly impact. Good schools engage parents in their children's education and reach out to the wider community for support, as well as providing community facilities. However, these must be considered beneficial side-effects to the main duty of a school which is to provide a quality education to its pupils. Numbers on roll, budget deficits and quality of education must be the considerations in any decision on the future of a school and, while a community may be impacted by a decision to close, this cannot be the overriding factor.

The local authority's [Community Impact Assessment](#) is available at Appendix 5 of the Lead Member report on 23 December 2019.

7. Rural primary schools

The school is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2019.

The local authority has carefully considered the factors set out in section 15(4) of the Education and Inspections Act 2006 as detailed in its report on the presumption against the closure of rural schools. The [Presumption Report](#) is available at Appendix 6 of the Lead Member report on 23 December 2019.

8. Balance of denominational provision

As a local authority community school, the school does not have a particular religious character.

Currently there are 931 faith based places and 665 non-denominational places in the Heathfield area. Should Broad Oak close the number of non-denominational places would reduce to 525.

It is not unusual for rural parts of the county to have only faith schools and no community provision at all. Examples include the review areas of North Chailey, Battle, Robertsbridge and Wadhurst. All non-denominational state funded schools in England have to provide collective worship of "a broadly Christian character", the Diocese of Chichester Diocesan Board of Education recognises "*that church schools serve the whole community and are not exclusive to worshipping families*".

Parental preference would be considered where possible when allocating alternative school places to pupils at Broad Oak but parents do have the right to have their children excused from worship in any state funded school, whether non-denominational or faith based.

The three non-denominational schools in the Heathfield area other than Broad Oak (Parkside, Punnetts Town and Maynards Green) currently have 10 spare community school places between them. Other community schools are available in the wider area surrounding Heathfield, for example in Hailsham where a number of pupils on roll at Broad Oak live.

9. Maintained nursery schools

The school does not have a maintained nursery; therefore, no consideration needs to be given under this section.

10. Sixth form provision

The school does not have sixth form provision; therefore, no consideration needs to be given under this section.

11. Special educational needs provision

SEN data for Broad Oak shows that the percentage of SEN pupils identified by the school is 17.3% (9 out of 52), including those with an EHCP, of which there are fewer than five.

Source: October 2019 School Census

Unless a pupil has an EHCP, the determination of whether a pupil has SEN is down to individual schools in consultation with parents and the threshold varies between schools. However, the percentage at Broad Oak is higher than for East Sussex as a whole. All schools have the same duties under the Equality Act 2010 and the Children and Families Act 2014 to identify and provide for children with SEN and, unless there are specific provisions named in a statutory plan which would make admission incompatible with the requirement for reasonable adjustments, it is a legal requirement for all schools to comply. As the barriers to learning, that a pupil with SEN might experience, change over time, the local authority would expect provision to adapt and change alongside these developments. In some cases, pupils may cease to be identified as having SEN if appropriate adjustments are put in place to enable them to overcome barriers and to make progress in line with their peers.

Attainment for SEN pupils is difficult to compare across schools due to the very small cohorts. As would be expected for this cohort, at the school and all the alternative schools, some SEN pupils attain at the expected standard and above and some do not.

Respondents to the consultation identified the care suite at the school and their concern about the perceived lack of alternative care suites at other schools in the area. There are care suites at four alternative schools in the wider area providing the same facilities as Broad Oak:

- Cross-in-Hand CE Primary School – full facilities available
- Hawkes Farm Primary Academy – full facilities available
- Park Mead Primary School – full facilities available but some steps between the infant and junior parts of the building
- Punnetts Town Community Primary School – full facilities available

12. Travel

The majority of pupils currently attending the school are from out of the area while a number of children living in the village travel to other schools. The majority of children therefore already face journeys to and from school each day. Should the school close the likely impact on traffic and the environment could potentially be reduced if displaced pupils attend schools nearer to their home address.

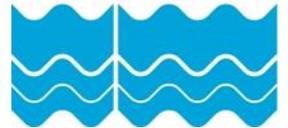
Alternative schools are not far from the village and would be in travelling distance for community activities - between 1.5 and 5.4 miles away from the school as shown in the table below. For the majority of pupils and families these schools could be nearer to their home address.

School	Distance from Broad Oak Community Primary School in miles (rounded)
All Saints' and St Richard's CE Primary School	1.5
Cross-in-Hand CE Primary School	2.3
Parkside Community Primary School	2.5
Punnetts Town Community Primary School	2.3
Dallington CE Primary School	3.8
Maynards Green Community Primary School	3.5
Mayfield CE Primary School	3.7
Five Ashes CE Primary School	5.4
Burwash CE Primary School	5.1

Latest analysis shows that of the 35 Reception to Year 5 pupils likely to be affected by the proposal, approximately 57% live nearer / the same distance to an alternative school, with approximately 43% living further away. Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below. On the information available, the local authority considers five pupils would be eligible for free home to school transport to their nearest alternative school. The cost to the local authority would be negligible as either pupils are already in receipt of free home to school transport or arrangements are already in place to the alternative schools. The local authority acknowledges that some pupils living in Broad Oak and attending the school might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/>

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be a noticeable increase in car usage. To the contrary, it would be hoped that car usage would reduce.



Proposed closure of Broad Oak Community Primary School

Community Impact Assessment

Issue no. 2.0

Introduction

Broad Oak Community Primary School is located in the village of Broad Oak, Heathfield, East Sussex.



The village of Broad Oak is in the Parish of Heathfield and Waldron, which is in Wealden District.



Covering 322 square miles, Wealden is the largest district in East Sussex and is classified as one of the most rural districts in England. Half the population lives in the five main towns of Crowborough, Hailsham, Heathfield, Polegate and Uckfield. The rest live in rural villages and hamlets.

The parish includes the market town of Heathfield and the villages of Waldron, Cross-in-Hand, Broad Oak, Old Heathfield and part of Punnetts Town. Heathfield is surrounded by the High Weald Area of Outstanding Natural Beauty.

Impact on pupils

The closure proposal would directly affect pupils currently in Reception to Year 5 at Broad Oak. It is apparent from the information provided that, were Broad Oak to close, there would be sufficient places in the surrounding Heathfield area schools to accommodate the estimated 40 Reception to Year 5 pupils who would be displaced from the school at the end of the academic year and the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21. Year 6 pupils currently at Broad Oak would not be directly impacted as they will move on to secondary school in the new academic year.

Potential Impact:

The main changes for pupils in Reception to Year 5 would be:

- A new school
- A new route to school
- A new uniform
- New teachers and support staff
- A new learning environment
- Changed friendship groups

Responses to the consultation and subsequent statutory proposal indicated that parents and carers were concerned about the impact on the mental health and wellbeing of pupils.

Mitigating Factors:

On 24 February 2020 the Lead Member approved a change to the Heathfield schools community area from the 2021/22 academic year to incorporate the Broad Oak community area. This would ensure that should Broad Oak close, children living in the school's community area would have access to other local schools. In approving the change it was decided that merging the community areas would be of benefit to local families whether Broad Oak closes or not, as it would broaden the range of options available within the area.

Every pupil would be guaranteed the offer of a place at an alternative primary school in their local area. The schools identified as being within a reasonable distance of Broad Oak are:

- All Saints and St Richards CE Primary School
- Cross in Hand CE Primary School
- Parkside Community Primary School
- Parkside Community Primary School
- Dallington CE Primary School
- Maynards Green Community Primary School
- Mayfield CE Primary School
- Five Ashes CE Primary School
- Burwash CE Primary School

The local authority would be responsible for overseeing the process of closing the school and would work closely with the school to implement closure, including supporting pupils during their final months at Broad Oak and in their transition to a new school. Parents and carers of children at the school would be able to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place either at one of their preferred schools named on the application form or, if this is not possible, at the nearest school to the child's home where a place is available. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the East Sussex website at:

<https://www.eastsussex.gov.uk/educationandlearning/schools/admissions/>

The local authority would take all practicable steps to ease the transition for all pupils, including vulnerable groups. It would work with the receiving schools to arrange transition days for pupils to meet their new teachers and to familiarise themselves with their new environments.

Local authority support is available to schools, children and families for mental health and emotional wellbeing as set out in Appendix 4 of the 23 December 2019 Lead Member report. Some of the schools identified mention on their websites that second hand uniforms are available at a very low cost.

Recommendation:

That, in addition to the mitigations outlined above, the receiving schools would be asked to identify buddies for the incoming pupils to help further ease transition by ensuring there is a familiar face and an introduction to new friendship groups.

Impact on parents and families

The Friends of Broad Oak School organise a number of events for parents of pupils in order to fund raise for the school. These include but are not limited to:

- Summer, Easter and Christmas Fayres
- Harvest Festival and supper
- Film nights
- Quizzes
- Book week events
- Christmas coffee morning
- Discos

Broad Oak also provides a breakfast club and a holiday club which has run for inset days so far, although the school has been looking to offer more dates throughout all holidays going forward.

Potential Impact:

If the proposals go ahead, it is likely that these events would cease.

Mitigating Factors:

Schools in the local area also provide events, clubs and wrap around care for pupils:

- All Saints and St Richards CE Primary School
The PTA holds regular events including cake sales and film nights. The school also runs a number of before and after school clubs for pupils including archery, gymnastics, netball and fencing.
- Cross in Hand CE Primary School
The school offers an extensive range of after school clubs, which include drawing, choir, drama, diamond dance, gymnastics, football, mandarin, tag rugby, karate, tennis and swimming.
The Friends of Cross in hand school hold a number of different events during the year, including film nights, discos, a Christmas and a Summer Fair, quizzes and cake sales.
- Parkside Community Primary School
The PTA holds events such as fireworks, quiz nights, ladies bingo, cake sales and a summer fete. The school has a breakfast club and an after school club, as well as a number of extra-curricular clubs and activities including helping out on the school farm.
- Punnetts Town Community Primary School
The Friends of Punnetts Town School hold a fundraising event at Easter, summer and Christmas. Maypole dancing is an annual tradition and other recent activities have included a Christmas shopping evening, a quiz night, film nights for the children and an annual theatre or pantomime trip.
- Dallington CE Primary School

After school clubs include Irish dancing, tag rugby, football, African drumming, choir, piano, great out tours and karate.

- Maynards Green Community Primary School

The Friends of Maynards Green School organise a range of social occasions as well as organising a variety of fund raising activities such as a summer fair, cake sales and a Christmas market. The school offers a breakfast club and after-school childcare.

- Mayfield CE Primary School

The Friends of Mayfield School organise events - recently a circus, an Easter parade, a pamper evening, a fashion show and a Christmas fair. The school offers a breakfast club and a range of after school clubs including drama, multi-skills, violin, guitar, bible explorers & craft, hockey, football and netball.

- Five Ashes CE Primary School

The school has a range of after school clubs including dance, tag rugby, pottery and a cookery club.

- Burwash CE Primary School

The school offers a number of after-school activities including football/cricket, netball, judo, gardening, mud kitchen club, film and newspaper club.

Recommendation:

That the local authority and/or the receiving schools be asked to let prospective parents know of any arrangements in the area for holiday clubs.

Impact of the proposal on the local pre-school

Broad Oak Pre-school offers early years provision for children aged 2-5. It operates from Broad Oak Village Hall. It works with all of the local primary schools to ensure that children have a managed transition to school.

Potential impact:

The proposed closure of the school would not directly impact Broad Oak Pre-school as it is not located on the school site. Its current cohort of 29 comes from a number of towns and villages:

Home location of children attending Broad Oak Pre-school

Child's home location	Funded and non-funded 2, 3 and 4 year olds	% of cohort
Broad Oak	7	24%
Heathfield	13	45%
Burwash, Hailsham, Hawkhurst, Horam, Punnetts Town,	9	31%

Source: February 2020 early years data

Mitigating Factors:

Children leaving the pre-school in September 2019 fed into nine different primary schools; fewer than five went to Broad Oak. In recent years very few children from Broad Oak attended their local pre-school.

Recommendation:

None

Impact of proposal on the wider community

Concerns were expressed that, should the proposed closure be implemented, the school premises would be lost as a community venue and local residents would lose access to a community defibrillator which is located on the school site.

Concerns were also expressed about the impact on the village shop which benefits from the passing trade brought by parents and pupils attending the school.

Potential Impact:

If the school were to close the local community would no longer be able to attend events at the school and would no longer have access to the defibrillator located there.

Schools act as employers and consumers in the local area. Parents of pupils attending the school may be more likely to spend locally. Sell et al (1996) studied the socio-economic impacts of school closures on North Dakota communities. They found a perceived decline in retail sales and the number of businesses in both communities where schools had closed and communities where schools had gained students due to the consolidation of schools. Those from communities where schools had closed were more likely to think this decline was due to the school closure. However, there was a lack of data to support their belief [1] [2]. A high proportion of pupils at the school do not live in Broad Oak so the school has had the effect of bringing in potential customers from outside the village.

Mitigating Factors:

If local volunteers wish to organise events for the village, there is at least one alternative venue in the village (Broad Oak Village Hall). The village hall is approximately 0.4 miles from the school, around a 10 minute walk.

In addition, Heathfield and Waldron Parish Council provide information on its website about a range of groups and events in the wider parish area that could be accessed by the local community. These include:

- Sports and fitness, such as bowls, table tennis, cricket, rugby, ramblers, folk dance and Tai Chi.
- Interests, such as History Society, Horticultural Society, Philatelic Society, choral society, Drama Club, Quilters and a Brass Band.
- Clubs and Groups, such as Rotary Club, Linked Hands Club, British Legion and the Women's Institute.

The Heathfield.net website indicates that Public Access Defibrillators (PADs) have also been installed at Broad Oak Village Hall and on the outside front wall of GO:VER Gym in Broad Oak. Therefore the community has access to alternative defibrillators in close proximity to the school. The defibrillator currently situated at Broad Oak could be relocated to an alternative community venue.

The economic benefits that a school brings to a community must be considered beneficial side effects to the main duty of a school which is to provide a quality education to its pupils. Numbers on roll, budget deficits and academic standards must be the major considerations in any decision on the future of a school and, while a community may be impacted by a decision to close a school; this cannot be an overriding factor. If the school closed, the local shop would be unable to rely on passing trade from the school community. This is already the case for 13 weeks of the year during school holidays. It would be for the local community to consider how to support local retail facilities.

Recommendation:

None

Access to provision of same school designation

Broad Oak is a non-denominational school. Currently there are 931 denominational places and 665 non-denominational places in the Heathfield area. Should Broad Oak close the number of non-denominational places would reduce to 525.

Potential Impact:

Some pupils currently in Reception to Year 5 at Broad Oak might be offered places at denominational schools.

Mitigating Factors:

It is not unusual for rural parts of the county to have only denominational schools and no community provision at all. Examples include the North Chailey, Battle, Robertsbridge and Wadhurst review areas. All non-denominational state funded schools in England have to provide collective worship of a 'broadly Christian character'. Denominational schools will provide worship in accordance with the trust deeds related to the school. The Diocese of Chichester Board of Education recognises "that Church schools serve the whole community and are not exclusive to worshipping families". Parental preference would be considered where possible when allocating alternative school places to pupils at Broad Oak but parents do have the right to have their children excused from worship in any state funded school, whether denominational or non-denominational.

The three non-denominational schools in the Heathfield area other than Broad Oak (Parkside, Punnetts Town and Maynards Green) currently have 10 spare community school places between them. Other community schools are available in the wider area surrounding Heathfield, for example in Hailsham where a number of pupils on roll at Broad Oak live.

Recommendation:

None

Impact on neighbouring schools

If the proposal goes ahead and the school is closed, every pupil in Reception to Year 5 at Broad Oak would be offered a place at an alternative school, many of which are likely to be nearer to their home address.

Potential Impact:

At the October 2019 school census there were 1,306 pupils on roll across the nine schools in the Heathfield area with surplus places high at 19%. This is illustrated in the following table.

Pupil numbers in the Heathfield area (October 2019)

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	5	1	6	9	8	6	17	52	140	88	63%
All Saints' and St Richard's	20	15	13	14	10	17	6	14	89	140	51	36%
Cross-in-Hand	60	58	37	42	41	58	44	38	318	420	102	24%
Dallington	15	15	13	17	17	17	14	11	104	105	1	1%
Five Ashes	10	10	10	8	7	13	7	7	62	56	0	0%
Mayfield	30	20	20	27	25	23	24	21	160	210	50	24%
Maynards Green	30	30	30	30	30	33	32	30	215	210	0	0%
Parkside	30	30	30	29	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	16	12	14	17	10	96	105	9	9%
Totals	230	198	166	189	182	213	180	178	1306	1596	301	19%

Data source: October 2019 school census

In the absence of the official January 2020 school census data, which will not be released by the DfE until mid to late March 2020, the local authority has undertaken an interim assessment of capacity in local schools using pupil number returns submitted by schools in January and February 2020. This has enabled the local authority to assess, albeit informally, the capacity of schools in the Heathfield area to accommodate displaced pupils from Broad Oak should it close on 31 August 2020. The information is provided in the table below.

Provisional pupil numbers in the Heathfield area (January / February 2020)

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	6	1	7	10	9	7	17	57	140	83	59%
All Saints' and St Richard's	20	15	13	13	10	17	6	13	87	140	53	38%
Cross-in-Hand	60	58	40	43	41	64	47	42	335	420	85	20%
Dallington	15	15	12	17	18	17	13	11	103	105	0	0%
Five Ashes	10	10	10	8	7	14	7	7	63	56	0	0%
Mayfield	30	21	22	28	25	19	24	21	160	210	50	24%
Maynards Green	30	32	30	29	30	32	32	31	216	210	0	0%
Parkside	30	30	29	30	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	15	13	14	16	10	95	105	10	10%
Totals	230	202	169	190	185	216	182	182	1326	1596	281	18%

Data source: Pupil number returns by schools in January and February 2020

Pupil numbers across the nine schools have increased by 20 to 1,326 since the October 2019 school census, with surplus places falling from 19% to 18%. Pupil numbers at Broad Oak have increased by 5 to 57, with surplus places reducing to 59%.

Schools operate most efficiently and effectively when full or nearly full. To this end the local authority seeks to keep the number of surplus places (the number of places in schools that are unfilled) to a minimum. However, it is generally accepted that not all unfilled places in a school are surplus places, but that a small margin of surplus capacity is often allowed to facilitate parental preference, to take account of the fact that schools with available places may not always be in the part of a planning area where the demand is, and to allow for a degree of error in the forecasts. A school is generally considered to be full when it has less than 5% of its places unfilled. This is in line with the National Audit Office report on Capital Funding for new school places published in 2013, where it states:

“It is considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools”.

In larger towns around one form of entry (30 intake places) is allowed while in other areas around half a form of entry (15 intake places) is allowed although margins vary depending on specific forecasts, capacities and circumstances. This figure is deemed to give the appropriate amount of flexibility in an area and is set against the need to ensure the efficient use of resources. In practice, the amount of surplus places planned for in an area will also take account of local circumstances.

By the closing date for primary school applications on 15 January 2020, Broad Oak had received two first preferences for its 2020/21 reception year intake. In comparison, the surrounding primary schools received the following first preferences:

First preferences for 2020/21

School	PAN	1 st preferences
Broad Oak	20	2
All Saints' and St Richard's	20	12
Cross-in-Hand	60	48
Dallington	15	12
Five Ashes	10	4
Mayfield	30	23
Maynards Green	30	40
Parkside	30	39
Punnetts Town	15	19
Totals	230	199

Data source: School admissions system

The closure proposal would directly affect pupils currently in Reception to Year 5 at Broad Oak. It is apparent from the information provided that, were Broad Oak to close, there would be sufficient places in the surrounding Heathfield area schools to accommodate the estimated 40 Reception to Year 5 pupils who would be displaced from the school at the end of the academic year and the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21. Year 6 pupils currently at Broad Oak would not be directly impacted as they will move on to secondary school in the new academic year.

The following tables show the local authority's projected pupil numbers for the Heathfield area to 2022/23, taken from the annual update to its pupil forecasts in July 2019. The local authority's pupil forecasts take account of factors such as the local birth rate in the area, demographic projections of future births and current housing plans in the area. Based on information currently available to the local authority on births, house building and future demographic growth in the area; it is confident there would be sufficient capacity in the area to meet future demand for places. The effect of Wealden District Council's recent decision to withdraw its Local Plan is considered later in the report.

Reception intake and total number on roll forecasts

Reception intake forecasts	Combined PAN	2018/19			2019/20			2020/21			2021/22			2022/23		
		Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %
Heathfield primary review area	230	168	62	27%	198	32	14%	197	33	14%	168	62	27%	189	41	18%

Number on roll forecasts	Combined capacity	2018/19			2019/20			2020/21			2021/22			2022/23		
		Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %
Heathfield primary review area	1596	1299	297	19%	1317	279	17%	1347	249	16%	1354	242	15%	1343	253	16%

Source: January 2019 School Census and ESCC Pupil Forecasts 16.07.19

The Heathfield Primary Area Review Area contains the following schools: All Saints' and St Richard's CE Primary School; Cross-in-Hand CE Primary School; Parkside Community Primary School; Dallington CE Primary School; Broad Oak Community Primary School; Five Ashes CE Primary; Mayfield CE Primary School; Maynards Green Community Primary School and Punnetts Town Community Primary School

As can be seen from the information above, there are sufficient places in schools in the surrounding area to accommodate pupils from Broad Oak. Based on current pupil numbers across the nine schools, were Broad Oak to close surplus places in the area would reduce from 18% currently to 9%, still above the level recommended by the National Audit Office. Local schools should benefit from the proposal by reducing surplus places in the area and providing more certainty to the remaining schools about pupil numbers. The proposal should create a more sustainable network of schools in the local area thereby reducing the risk of more schools becoming unviable.

Mitigating Factors:

N/A

Recommendations:

None

Impact on pupil travel arrangements

Traffic congestion in Heathfield was raised as a significant concern during both the consultation period and the subsequent representation period.

Potential Impact:

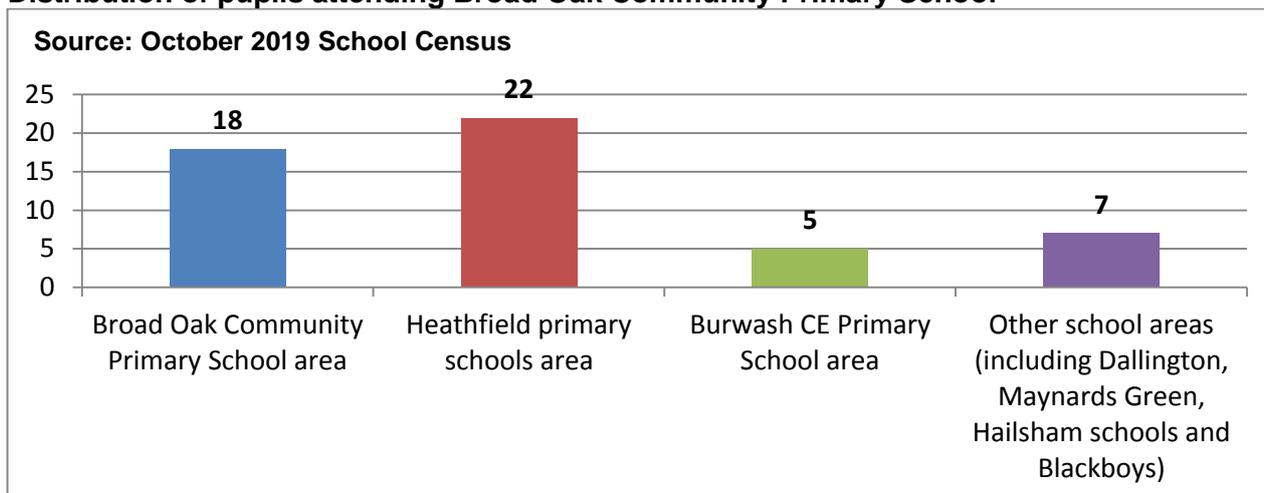
Some families may be impacted by additional travel costs and travel time. The closure of the school may impact members of the community who will have to go beyond the local village to engage with teachers and use community facilities. Respondents to the consultation cited the impact on traffic and the environment of children having to travel by car to their nearest alternative school.

Mitigating Factors:

According to the October 2019 school census there were 60 primary age pupils living in the Broad Oak community area attending state funded primary schools in East Sussex. Of these, only 18 (30%) attend Broad Oak. The remaining 70% attend other schools in the county.

The majority of pupils (65%) currently attending Broad Oak are from outside its community area, with the largest proportion (42%) living in the Heathfield schools community area. This is illustrated in the chart below.

Distribution of pupils attending Broad Oak Community Primary School



From this information it is evident that the majority of pupils attending Broad Oak already face journeys to and from school each day, while most of the primary age pupils living in the Broad Oak community area also choose to travel to schools outside the community area rather than attend their local school. It is highly likely that journey times, and therefore the impact on traffic congestion and the environment, could be reduced in the event that Broad Oak closes as the majority of displaced pupils would have the opportunity to attend schools nearer to their home address.

Alternative schools are not far from the village and would be in travelling distance for community activities - between 1.5 and 5.4 miles away from Broad Oak as shown in the table below. For the majority of pupils and families these schools could be nearer to their home address.

Distance from Broad Oak Community Primary School to alternative schools in the local area

School	Distances in miles (rounded)
All Saints' and St Richard's	1.5
Cross-in-Hand	2.3
Parkside	2.5
Punnetts Town	2.3
Dallington	3.8
Maynards Green	3.5
Mayfield	3.7
Five Ashes	5.4
Burwash	5.1

Latest analysis shows that of the 40 Reception to Year 5 pupils likely to be affected by the proposal, approximately 60% live nearer, or the same distance, to an alternative school, with approximately 40% living further away. Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below. From the information currently available, the local authority considers that five pupils would be eligible for free home to school transport to their nearest alternative school, meaning the additional cost to the local authority would be negligible. The local authority acknowledges that some pupils living in the Broad Oak community area and attending the school might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be an increase in car usage. To the contrary, it would be hoped that car usage would reduce thereby having a positive impact on the environment.

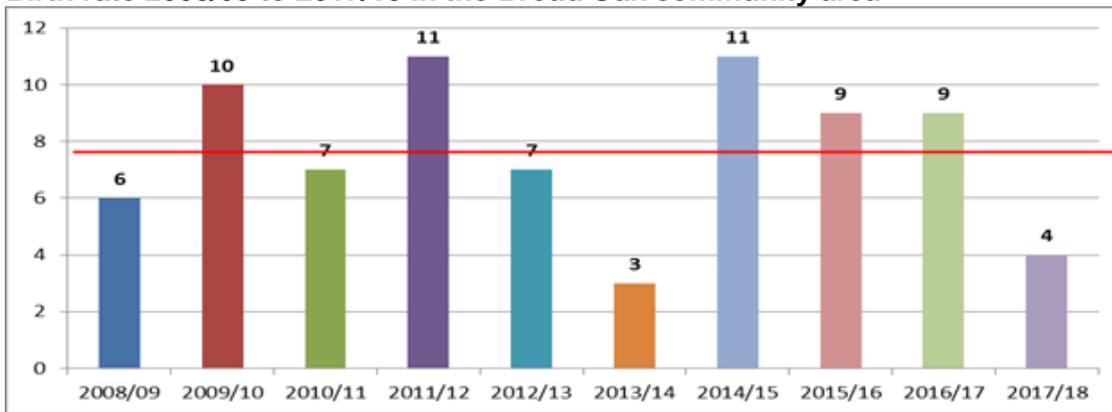
Recommendation:

None

Impact on community demographics

The 10-year average birth rate in the Broad Oak community area is less than 8 per annum (the school's published admission number is 20), with a high of 11 and a low of 3, as illustrated below.

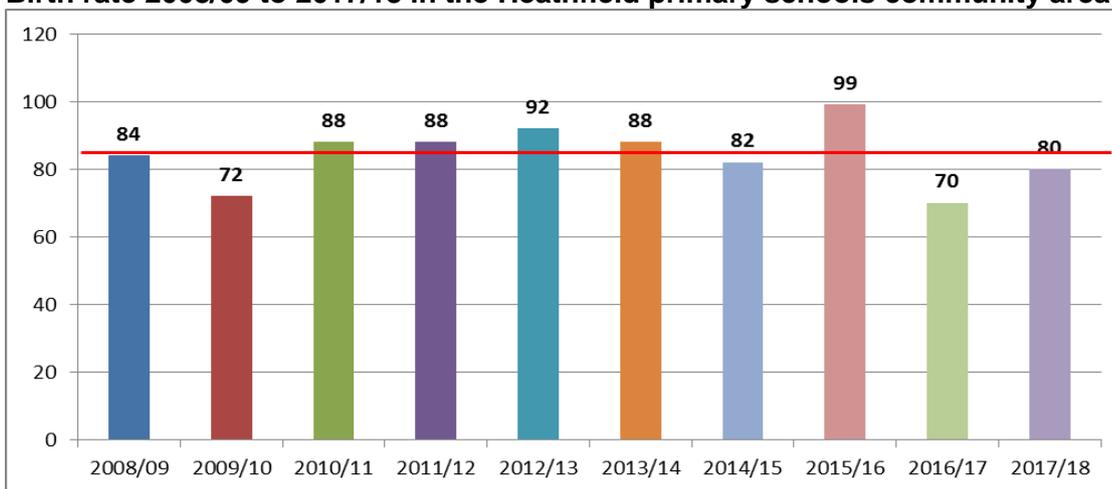
Birth rate 2008/09 to 2017/18 in the Broad Oak community area



Source: ONS Live Birth Data

In the same period, births in the Heathfield community area have averaged fewer than 85 a year, with a high of 99 and a low of 70 as demonstrated below.

Birth rate 2008/09 to 2017/18 in the Heathfield primary schools community area



Source: ONS Live Birth Data

Based on births alone the combined published admission number (110) of the three Heathfield schools (All Saints' and St Richard's CE Primary School, Cross-in-Hand CE Primary School and Parkside Community Primary School) would have been sufficient in each year of the ten years to accommodate all of the children born in the Heathfield and Broad Oak community areas.

Wealden District Council provides regular updates on housing numbers and trajectories to inform the local authority's pupil forecasts. The most recent update was provided in spring 2019 and showed that just short of 600 homes are planned in Heathfield and Waldron Parish during the Wealden Local Plan

period between 2018/19 and 2027/28. Within this total the Wealden Local Plan sets a windfall allowance of 50 dwellings for the village of Broad Oak over the same period.

The local authority's published pupil yields from new housing are:

Pupil yields from new homes

Pupil yield per new dwelling by property type and size	Houses 2 bed+	Flats 2 bed+	Houses / flats 1 bed
Primary schools	0.25	0.0375	0.00

Taking these pupil yields into account and assuming that all new homes are houses with two bedrooms or more, in Heathfield and Waldron Parish as a whole the local authority estimates 150 additional primary age pupils would be generated across all year groups from new homes over a ten year period (approximately 21 additional pupils per year group). The housing specifically in the Broad Oak community area would, over the same period, generate an estimated 12 to 13 additional pupils (approximately 2 additional pupils per year group over the period). The demand for places is therefore likely to be in Heathfield rather than in Broad Oak. The local authority's pupil forecasts take account of these housing figures and the likely demand for school places they will generate.

On 19th February 2020 Wealden District Council (WDC) took the decision to withdraw its Local Plan after the Planning Inspector found that the Plan could not proceed in its current form. WDC has subsequently embarked on the process of developing a new Local Plan.

This will inevitably lead to a period of uncertainty while WDC reviews its position and begins to form an opinion on the likely quantum and location of future housing development it has to plan for in the district. What is almost certain is that this will lead to a greater number of new homes being built in the district in future years. What is less certain at this stage is how much more and where in the district this might happen. The details of this will become more apparent over time, but currently there are no indications from WDC that they will look to Heathfield or the village of Broad Oak to provide significantly more or any less housing than is already planned. Both settlements are prominent within the High Weald Area of Outstanding Natural Beauty (AONB), where the National Planning Policy Framework (NPPF) specifically guards against large scale residential development.

Potential Impact:

The closure of the school could have the effect of making the village less attractive to families with school age children and so attracting an older population.

Mitigating Factors:

The local authority must continue to discharge its statutory duty in terms of ensuring there are sufficient school places to meet demand and that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding. In the absence of any new information from WDC the local authority has to take account of what is currently known and develop its school place planning strategies accordingly.

While some may argue that Broad Oak should remain open until there is more certainty about the future position in Wealden, the local authority considers that this would create its own uncertainty for the school community and is unlikely to immediately affect pupil numbers at the school and in the wider area. If the local authority finds in the future that there is a requirement for new places in the district as a result of new housing developments, it would look to provide these places locally to where the demand is.

It is not the school's or the local authority's role to seek to encourage families with young children to move to the village and indeed the resources required to attempt to do so would be prohibitive and likely to be of little effect.

Recommendations:

None

Summary and conclusions of the potential impact on the community

The community impact assessment has identified a number of possible areas where the proposal could have some negative impact on a small number of local families and the local community, but also some mitigating factors which limit the impacts.

Issue	Potential Impact	Mitigating Factors	Conclusions
Impact on pupils	Coping with change to a new school environment.	The local authority and schools would work to minimise disruption of transition.	Initially negative; later potentially positive in terms of widening peer groups and accessing different facilities. Overall: Neutral
Impact on parents and families	Loss of clubs and events.	All the alternative schools provide a range of clubs and events.	Neutral
Impact on wider community	Losing a community venue.	Broad Oak has a village hall and the village is very close to Heathfield and other villages which host events in community venues.	Potentially negative but could be mitigated by use of village hall.
	Local shop losing trade	None	Potentially negative
	Losing access to Community Defibrillator	There are two further community defibrillators located in Broad Oak. The defibrillator at Broad Oak could be relocated to an alternative community venue.	Neutral
Access to same school designation	A number of pupils could be offered places at denominational schools.	Parents can opt their children out of collective worship in any school.	Neutral
Impact on neighbouring schools	Neighbouring schools would offer places to pupils currently at Broad Oak.	There are sufficient places at surrounding schools to take all the pupils from Broad Oak.	Positive
Impact on pupil travel arrangements	Some families may experience increased costs and travel time to school; others may experience reduced costs and travel time to school.	For the majority of pupils there are alternative schools nearer to their home address. Some pupils living in Broad Oak might face longer journeys to and from an alternative school each day. However	Potentially negative for pupils living in Broad Oak who might face longer journeys to and from school each day.

Issue	Potential Impact	Mitigating Factors	Conclusions
		for many their nearest alternative school is within statutory walking distance. Free home to school transport would be available for eligible pupils.	
Impact on community demographics	Closure of the school may impact the balance of community.	The birth rate in the village is low and projected to remain so. The majority of children in the village do not attend the local school. Very few of the pupils arising from new housing are likely to be in houses built in Broad Oak. The majority of new homes are likely to be in school admissions areas served by other schools.	Neutral

In any small community, the loss of one institution or business will be felt proportionately more than in a larger community and the closure of a school in a village community will undoubtedly impact. Good schools engage parents in their children’s education and reach out to the wider community for support, as well as providing community facilities. However, these must be considered beneficial side-effects to the main duty of a school which is to provide a quality education to its pupils. Numbers on roll, budget deficits and quality of education must be the considerations in any decision on the future of a school and, while a community may be impacted by a decision to close this cannot be the overriding factor.

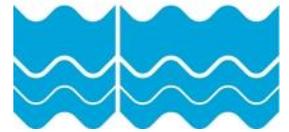
The DfE guidance refers to the fact that some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. The DfE guidance states that ‘*Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means*’. Although the events and clubs that Broad Oak currently run would be discontinued if the school closes, other schools in the local area provide events, clubs and wrap around care for pupils.

References

- [1] Sell, R., Leistriz, L. and Thompson, J. (1996) “Socio-economic impacts of schools consolidation on host and vacated communities”. *Agriculture Economic Report No. 347*
- [2] Sustainable Education Review, The Impacts of School Closures Analysis Report, The Moray Council November 2014

February 2020

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Broad Oak Community Primary School

Presumption against the closure of rural schools

Issue no. 2.0

Introduction

Broad Oak Community Primary School (Broad Oak) is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2019.

The Department for Education (DfE) statutory guidance '*Opening and closing maintained schools*' November 2019 (the guidance) refers to a presumption against the closure of rural schools. The guidance states:

"Proposers should be aware that the Department expects all decision makers to adopt a presumption against the closure of rural schools. This doesn't mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area"

The presumption against closure does not mean that rural schools cannot be closed by local authorities, but they have a duty to carefully consider the factors set out in the guidance when proposing to close a rural school. These factors are:

- *alternatives to closure including: federation with another local school; conversion to academy status and joining a multi-academy trust; the scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;*
- *transport implications i.e. the availability, and likely cost of transport to other schools and sustainability issues;*
- *the size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;*
- *the overall and long term impact on local people and the community of the closure of the village school and of the loss of the building as a community facility; and*
- *wider school organisation and capacity of good schools in the area to accommodate displaced pupils.*

Each of these factors is addressed below.

Alternatives to closure

A number of alternative options were considered by the local authority before agreeing to consult on the proposed closure of Broad Oak. These were included in the consultation document and are set out below for ease of reference:

- **Federation.** Broad Oak is in a federation with Punnetts Town Community Primary School (Punnetts Town) and Dallington CE Primary School (Dallington). Although federations are recognised as a way of enabling smaller schools to work more formally in partnerships to share costs, this has not addressed the financial challenges faced at Broad Oak.

- **Amalgamation.** Consideration was given to amalgamating Broad Oak with Punnetts Town. This option was discounted because there is little pupil movement between the two schools and there is insufficient capacity at either site to accommodate all the pupils on roll across the two schools.
- **Linked infant and junior schools.** Consideration was given to merging Broad Oak with Punnetts Town with one school becoming an infant school and the other a junior school. The local authority's School Organisation Policy states that it is committed to amalgamating infant and junior schools as data analysis shows that overall Key Stage 2 pupil outcomes are higher in East Sussex all through primary schools in comparison to junior schools where children transfer at the start of Year 3. As stated above, there is little pupil movement between the two schools and this would not address the low pupil numbers and budget challenges the school faces. For these reasons this option was discounted.
- **Academisation.** In undertaking their due diligence, academy trusts, both local and national, find some small schools to be financially unviable or too isolated to be included in their trust, unless they convert with other small schools as a local hub. Governors have not expressed a desire to academise and no academy trust has approached the local authority about taking the school into their trust. This would not address the low pupil numbers and budget challenges the school faces.
- **No change.** As outlined in the consultation document, Broad Oak has been undersubscribed in each of the last five years and pupil numbers fall significantly short of its published admission number each year. There is very little in-area demand for places at the school. The school faces significant financial challenges as set out in the Lead Member report. Doing nothing is not an option.

A number of alternative options to closure were suggested by respondents to the consultation to address the challenges the school faces. These are set out again for ease of reference and are categorised according to the following headings.

Those considered unrealistic, costly or outside the control of the local authority or school

- Increase the funding for the school either from local authority resources or by lobbying government, and work with the school to help improve it.

Local authority response: The national funding formula is determined by the government and allocated to local authorities via the Dedicated Schools Grant. The local authority does not have resources to increase funding for the school.

- Re-open the swimming pool to attract more pupils.

Local authority response: Re-opening the swimming pool would be costly both in terms of initial outlay and ongoing running costs which would fall to the school. There is no evidence that a swimming pool would attract more pupils to the school.

- Merge Punnetts Town, Broad Oak and All Saints and St Richard's CE Primary School (ASSR) and build a new school on land in Halley Road, Broad Oak.

Local authority response: The cost of purchasing land and building a new school would be prohibitive and could not be considered a priority within the local authority's agreed capital programme.

- Insist that children from the village go to the school.

Local authority response: The local authority cannot insist that children from the village attend the school.

Those considered within the local authority's control / influence

- Lower the PAN at Broad Oak to 15 and invite the local pre-school to move into the spare classroom on site
- Reduce the PANs at Broad Oak and ASSR to 15 and Cross-in-Hand to 30.

Local authority response: While these options would reduce the amount of surplus places in the area it would not address the financial challenges that Broad Oak faces.

- Give the school more time (respondents suggested different timescales) and advertise it better.

Local authority response: The local authority does not believe giving the school more time would alter the situation, decline has been evident over-time, and governors have been unable to identify solutions or present a case for the school's viability.

- Include Broad Oak in the Heathfield school's community area so that children in Heathfield have access to two church schools and two community schools in the area.

Updated local authority response: On 24 February 2020 the Lead Member approved the change to the community areas to ensure that should a decision be taken to close Broad Oak, children living in the Broad Oak community area would be able to access a local school. In approving the change it was decided that merging the community areas would be of benefit to local families whether Broad Oak closes or not, as it would broaden the range of options available within the area.

- Merge Punnetts Town and Broad Oak over two sites, one infant and one junior.

Local authority response: This option was considered prior to consulting on closure but was discounted for the reasons set out above.

- Close Five Ashes which is a smaller school.

Local authority response: Five Ashes does not face the same challenges as Broad Oak in terms of its pupil numbers, surplus places and financial position. Five Ashes is full to capacity and is predicted to remain so. It has no surplus places. Five Ashes is rated good by Ofsted.

- Sell the school's detached playing field to provide a cash boost to the school; and partially develop the school site to release some of the asset.

The DfE '*Advice on standards for school premises*' March 2015 confirms that all maintained schools and academies must provide suitable outdoor space to enable physical education in accordance with the school curriculum and to enable pupils to play outside. Except with the consent of the Secretary of State, local authorities cannot dispose of any playing fields used by a maintained school for the purposes of the school.

Those considered within the school's control

- Expand the Woodlands Federation to include other local primary schools or Heathfield Community College
- Academisation
- Develop the school as a community hub.

Local authority response: The governing board has given no indication that it is considering any of these options.

No new options came forward during the representation period, other than Broad Oak reducing its PAN from 20 to 10, alongside other schools being encouraged to reduce their PANs, and turning Broad Oak into a special school. While reducing PANs at one or more schools would remove surplus places from the area it would not address the ongoing challenges that Broad Oak faces. Converting Broad Oak into a special school would still result in all the pupils at the school having to find an alternative school as the special school would only be for pupils with an EHCP which indicates special school not mainstream provision.

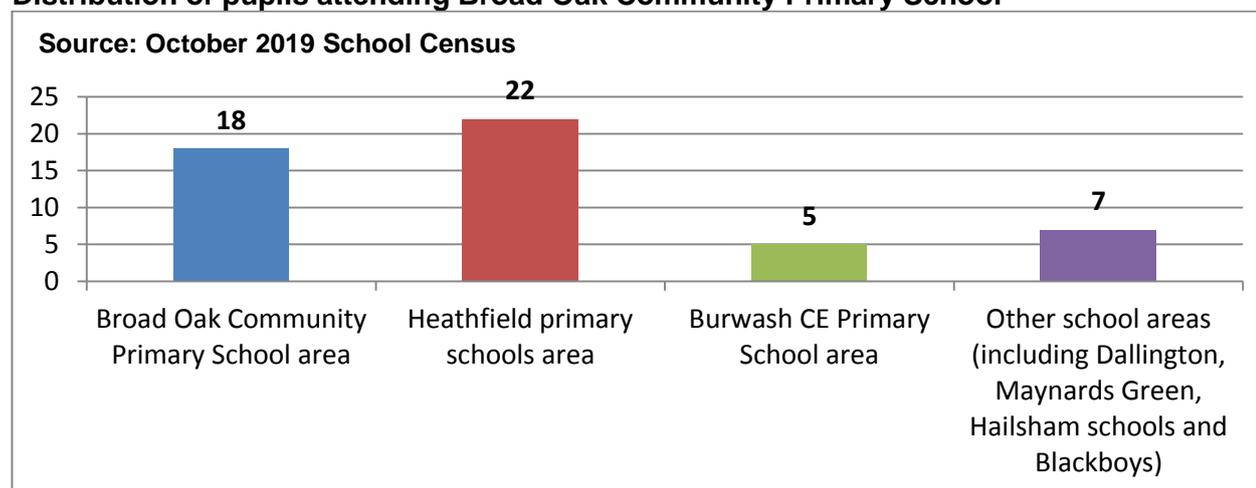
Transport Implications

Some families may be impacted by additional travel costs and travel time. The closure of the school may impact members of the community who would have to go beyond the local village to engage with teachers and use community facilities. Respondents to the consultation cited the impact on traffic and the environment of children having to travel by car to their nearest alternative school.

According to the October 2019 school census there were 60 primary age pupils living in the Broad Oak community area attending state funded primary schools in East Sussex. Of these, only 18 (30%) attend Broad Oak. The remaining 70% attend other schools in the county.

The majority of pupils (65%) currently attending Broad Oak are from outside its community area, with the largest proportion (42%) living in the Heathfield schools community area. This is illustrated in the chart below.

Distribution of pupils attending Broad Oak Community Primary School



From this information it is evident that the majority of pupils attending Broad Oak already face journeys to and from school each day, while most of the primary age pupils living in the Broad Oak community area also choose to travel to schools outside the community area rather than attend their local school. It is highly likely that journey times, and therefore the impact on traffic congestion and the environment, could be reduced in the event that Broad Oak closes as the majority of displaced pupils would have the opportunity to attend schools nearer to their home address.

Alternative schools are not far from the village and would be in travelling distance for community activities - between 1.5 and 5.4 miles away from Broad Oak as shown in the table below. For the majority of pupils and families these schools could be nearer to their home address.

Distance from Broad Oak Community Primary School to alternative schools in the local area

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Mayfield	3.7
Five Ashes	5.4
Burwash	5.1

Latest analysis shows that of the 40 Reception to Year 5 pupils likely to be affected by the proposal, approximately 60% live nearer, or the same distance, to an alternative school, with approximately 40% living further away. Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below. From the information currently available, the local authority considers that five pupils would be eligible for free home to school transport to their nearest alternative school, meaning the additional cost to the local authority would be negligible. The local authority acknowledges that some pupils living in the Broad Oak community area and attending the school might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/>

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be an increase in car usage. To the contrary, it would be hoped that car usage would reduce thereby having a positive impact on the environment.

Size of the school and quality of education

Broad Oak is a small rural school with a published admission number of 20 and capacity for 140 pupils (20 x 7 year groups). At full capacity the school would be expected to have 5 classes. Due to its low pupil numbers the school is currently organised across 3 classes as follows:

- Reception, Year 1 and Year 2 class of 14
- Year 3 / 4 class of 19
- Year 5 / 6 class of 24

Source: Pupil numbers confirmed by school in February 2020

Broad Oak last received an Ofsted rating of 'Good' in 2011. At its last two Ofsted inspections in 2016 and 2018 the school was rated overall as requiring improvement. In 2018 the effectiveness of leadership and management, personal development, behaviour and welfare and early years provision were all rated good. However, quality of teaching, learning and assessment and outcomes for pupils were rated as requiring improvement resulting in the overall judgement of requires improvement.

The local authority has provided a range of support to Broad Oak in recent years for teaching, learning, leadership and management. The school also has a progress group in place which provides additional school improvement support and monitoring from the local authority.

Prior to 2016 when Broad Oak received the first of its two Requires Improvement judgements from Ofsted, pupil numbers were at or close to the school's capacity of 140. Since then, pupil numbers have declined to 52 at the October 2019 school census, although this number has risen to 57 in February 2020 according to the school.

A section 8 monitoring visit was undertaken at Broad Oak by Ofsted HMI on 8 October 2019. The monitoring inspection was carried out under section 8 of the Education Act 2005 and took place because the school had received two successive judgements of 'Requires Improvement' at its previous section 5 inspections. The key findings of the inspection were that:

'Senior leaders and governors are taking effective action to tackle the areas requiring improvement identified at the recent section 5 inspection in order for the school to become good.'

"The school should take further action to:

- *Continue to develop the school's curriculum to ensure that it is coherently planned and sequenced so that pupils are able to know more and remember more as they progress through the school*
- *Ensure that the recent improvements in the teaching of phonics are sustained so that there is a clear focus on ensuring that younger pupils promptly gain the phonics knowledge necessary to read well*
- *Maintain a sharp focus on continuing to improve teachers' subject knowledge to enhance the teaching of the curriculum.'*

The monitoring letter also noted the *"Local Authority is providing effective support and challenge to Leaders and Governors to improve the school. Advisers from East Sussex Local Authority are following timely, focused support and guidance in all aspects of the school's work. Staff training, together with the school's involvement in specific local authority-led projects, is helping to improve the quality of education in the school."*

Respondents cited that Broad Oak was amongst the top two performing schools in Heathfield in 2019. The local authority acknowledges that pupil progress at Key Stage 2 has generally been in line with the national average for reading, writing and mathematics for the last three years, although mathematics was below the national average in 2018. Progress in reading and mathematics strengthened considerably for the 2019 KS2 cohort. However, the proportion of pupils attaining reading, writing and mathematics (combined) at the expected standard has been in the lowest 20% of schools nationally for three years.

The budget proposal submitted by the governing board (please refer to section 12) is predicated on a plan to move from three classes to two from September 2020. The governors propose to organise the two classes as follows.

EYFS, KS1 and KS2				KS2		
reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2	6	1	7	10	9	7
One class of approximately 16				One class of approximately 26		

The local authority believes there is a combination of factors that would make a school of two classes particularly challenging. These range from the economic arguments, through leadership challenges, teacher quality, staff and pupil morale and curriculum provision. There has been a range of research over the fifty years exploring the impact of school size and although much of it has been conducted in the United States there are still points that are valid in the UK.

In terms of educational outcomes there is little evidence that school size impacts on pupil outcomes, however, when looking at the literature in more detail generally the size of the small primary schools is above 100 pupils. It is the combination of factors that would make the situation at Broad Oak, or any very small school, challenging. The key factors can be summarised as:

- The huge professional challenge for a teacher required to teach across a wide age range. In this case Broad Oak is proposing a class for reception through to year 3. This covers three key stages and would mean pupils from 4 to 8 years old in the same class. The teacher would need an in depth knowledge and understanding of the Early Years Foundation Stage (EYFS) as well as Key Stage 1 (KS1) and KS2.
- Teacher quality could be an issue both from a recruitment and retention perspective and from the ability to be able to respond to such a range of needs in one class. Many teachers specialise in early years that will include some elements of KS1 but it is unlikely that the same teacher would have the training and experience to teach all pupils through all key stages in the same class. If Broad Oak needs to recruit new staff in the future, attracting teachers to a post where they will be responsible for 3 or 4 year groups in one class may present a role that few will feel they can deliver effectively.
- In terms of pupil outcomes this could create a significant risk with the teacher needing to respond to assessments and national testing in EYFS, year 1 phonics and KS1 SATs in one class and KS2 SATs in the other class where there are multiple year groups in one class. This would test the expertise of the most effective teachers and could have a negative impact on both pupil progress and outcomes.
- Curriculum planning and delivery could also be an issue. With the National Curriculum that was updated in 2014 and the new Ofsted Inspection framework from September 2019 there is a requirement to teach a broad and balanced curriculum and to evidence pupil's learning and progress across a wide range of subjects beyond the core of English, maths and science. There is a need to sequence the curriculum in such a way as pupils build on their skills and knowledge over time. This is complex in a larger school and in a very small school like Broad Oak would be even more challenging to deliver a coherent and fit for purpose curriculum. It would require at least a three year rolling curriculum if there are three years in a single class. Particularly in PE and school sport it would be very challenging to deliver quality provision and good outcomes with such a diverse range of skills and ability in a class.
- Extra-curricular and enrichment activities could also be a challenge. Given the limitations in staffing the opportunities for pupils to take part in a diverse range of learning opportunities beyond the classroom will be extremely limited. Again, using the example of school sport playing in school teams and joining local events could be difficult, therefore overly limiting for pupils.
- Leadership capacity not only at the most senior level but at subject leader level could also a significant challenge. It is difficult for small schools where there are four or five teachers but to have only two teachers would mean that each teacher would have to be the subject lead for multiple curriculum areas and have responsibility for learning and progress, curriculum planning and assessment in a range of subjects. Even though the teachers would probably draw on support for subject leadership across the federation there would still need to be leadership for all aspects of learning in the school and teachers would need to understand the curriculum and how it pertains to the context of each school. This is a huge challenge and a significant impact on teacher workload.
- The research also talks about the impact on teacher and pupil morale and suggests that extremely small and extremely large schools struggle with this dimension. In the governing board's proposal for a two-class school, a pupil could be taught by the same teacher for four years, there would be no flexibility to move pupils or staff to create or cope with different class dynamics.

In conclusion there are multiple reasons why such a small school would be both uneconomic and educationally inadvisable and these have been outlined above. In a research paper by Slate and Jones 2005 where they reviewed the literature relating to school size they concluded; '*The research shows that both very small and very large schools are negatively related to school quality. In both cases the school will lack appropriate resources to serve students effectively.*' The local authority is

also concerned about how parents and carers would perceive a two-class school in the future when applying for a school place for their children.

All other schools in the Heathfield area are rated good or outstanding by Ofsted.

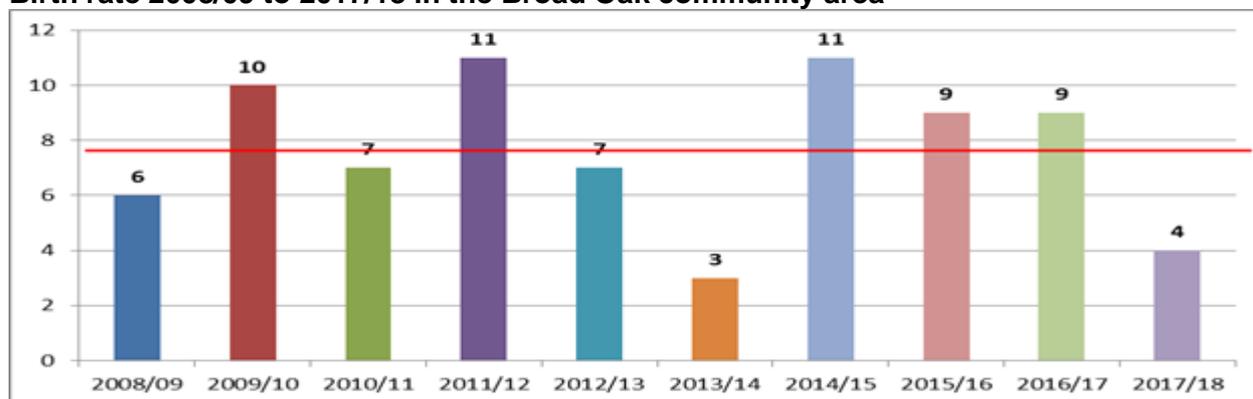
The impact on local people and the community

The majority of respondents to the consultation classified themselves as members of the local community. The local authority recognises that the majority of respondents disagree with the proposal to close Broad Oak. The school is seen as an important part of the village and its loss could have an impact on community life. This is addressed in the Community Impact Assessment appended to the Lead Member report.

School organisation and capacity to accommodate displaced pupils

The 10-year average birth rate in the Broad Oak community area is less than 8 per annum (the school’s published admission number is 20), with a high of 11 and a low of 3, as illustrated below.

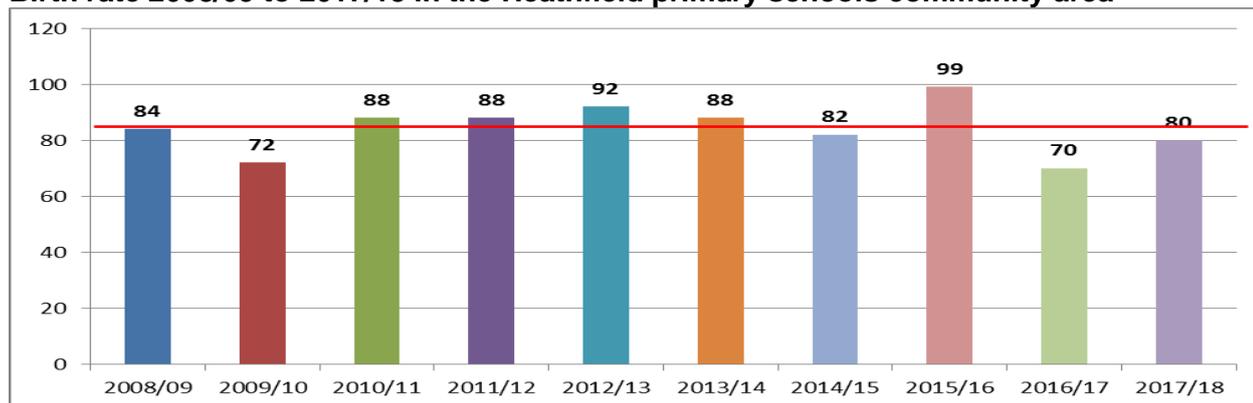
Birth rate 2008/09 to 2017/18 in the Broad Oak community area



Source: ONS Live Birth Data

In the same period, births in the Heathfield community area have averaged fewer than 85 a year, with a high of 99 and a low of 70 as demonstrated below.

Birth rate 2008/09 to 2017/18 in the Heathfield primary schools community area



Source: ONS Live Birth Data

Based on births alone the combined published admission number (110) of the three Heathfield schools (All Saints’ and St Richard’s CE Primary School, Cross-in-Hand CE Primary School and Parkside Community Primary School) would have been sufficient in each year of the ten years to accommodate all of the children born in the Heathfield and Broad Oak community areas.

Wealden District Council provides regular updates on housing numbers and trajectories to inform the local authority’s pupil forecasts. The most recent update was provided in spring 2019 and showed that

just short of 600 homes are planned in Heathfield and Waldron Parish during the Wealden Local Plan period between 2018/19 and 2027/28. Within this total the Wealden Local Plan sets a windfall allowance of 50 dwellings for the village of Broad Oak over the same period.

The local authority’s published pupil yields from new housing are:

Pupil yields from new homes

Pupil yield per new dwelling by property type and size	Houses 2 bed+	Flats 2 bed+	Houses / flats 1 bed
Primary schools	0.25	0.0375	0.00

Taking these pupil yields into account and assuming that all new homes are houses with two bedrooms or more, in Heathfield and Waldron Parish as a whole the local authority estimates 150 additional primary age pupils would be generated across all year groups from new homes over a ten year period (approximately 21 additional pupils per year group). The housing specifically in the Broad Oak community area would, over the same period, generate an estimated 12 to 13 additional pupils (approximately 2 additional pupils per year group over the period). The demand for places is therefore likely to be in Heathfield rather than in Broad Oak. The local authority’s pupil forecasts take account of these housing figures and the likely demand for school places they will generate.

On 19th February 2020 Wealden District Council (WDC) took the decision to withdraw its Local Plan after the Planning Inspector found that the Plan could not proceed in its current form. WDC has subsequently embarked on the process of developing a new Local Plan.

This will inevitably lead to a period of uncertainty while WDC reviews its position and begins to form an opinion on the likely quantum and location of future housing development it has to plan for in the district. What is almost certain is that this will lead to a greater number of new homes being built in the district in future years. What is less certain at this stage is how much more and where in the district this might happen. The details of this will become more apparent over time, but currently there are no indications from WDC that they will look to Heathfield or the village of Broad Oak to provide significantly more or any less housing than is already planned. Both settlements are prominent within the High Weald Area of Outstanding Natural Beauty (AONB), where the National Planning Policy Framework (NPPF) specifically guards against large scale residential development.

The local authority must continue to discharge its statutory duty in terms of ensuring there are sufficient school places to meet demand and that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding. In the absence of any new information from WDC the local authority has to take account of what is currently known and develop its school place planning strategies accordingly.

While some may argue that Broad Oak should remain open until there is more certainty about the future position in Wealden, the local authority considers that this would create its own uncertainty for the school community and is unlikely to immediately affect pupil numbers at the school and in the wider area. If the local authority finds in the future that there is a requirement for new places in the district as a result of new housing developments, it would look to provide these places locally to where the demand is.

At the October 2019 school census there were 1,306 pupils on roll across the nine schools in the Heathfield area with surplus places high at 19%. This is illustrated in the following table.

Pupil numbers in the Heathfield area (October 2019)

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	5	1	6	9	8	6	17	52	140	88	63%
All Saints' and St Richard's	20	15	13	14	10	17	6	14	89	140	51	36%
Cross-in-Hand	60	58	37	42	41	58	44	38	318	420	102	24%
Dallington	15	15	13	17	17	17	14	11	104	105	1	1%
Five Ashes	10	10	10	8	7	13	7	7	62	56	0	0%
Mayfield	30	20	20	27	25	23	24	21	160	210	50	24%
Maynards Green	30	30	30	30	30	33	32	30	215	210	0	0%
Parkside	30	30	30	29	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	16	12	14	17	10	96	105	9	9%
Totals	230	198	166	189	182	213	180	178	1306	1596	301	19%

Data source: October 2019 school census

In the absence of the official January 2020 school census data, which will not be released by the DfE until mid to late March 2020, the local authority has undertaken an interim assessment of capacity in local schools using pupil number returns submitted by schools in January and February 2020. This has enabled the local authority to assess, albeit informally, the capacity of schools in the Heathfield area to accommodate displaced pupils from Broad Oak should it close on 31 August 2020. The information is provided in the table below.

Provisional pupil numbers in the Heathfield area (January / February 2020)

Capacity	PAN	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total	Capacity	Surplus	% surplus
		230	230	230	230	230	230	230				
Broad Oak	20	6	1	7	10	9	7	17	57	140	83	59%
All Saints' and St Richard's	20	15	13	13	10	17	6	13	87	140	53	38%
Cross-in-Hand	60	58	40	43	41	64	47	42	335	420	85	20%
Dallington	15	15	12	17	18	17	13	11	103	105	0	0%
Five Ashes	10	10	10	8	7	14	7	7	63	56	0	0%
Mayfield	30	21	22	28	25	19	24	21	160	210	50	24%
Maynards Green	30	32	30	29	30	32	32	31	216	210	0	0%
Parkside	30	30	29	30	31	30	30	30	210	210	0	0%
Punnetts Town	15	15	12	15	13	14	16	10	95	105	10	10%
Totals	230	202	169	190	185	216	182	182	1326	1596	281	18%

Data source: Pupil number returns by schools in January and February 2020

Pupil numbers across the nine schools have increased by 20 to 1,326 since the October 2019 school census, with surplus places falling from 19% to 18%. Pupil numbers at Broad Oak have increased by 5 to 57, with surplus places reducing to 59%.

Surplus places in the Heathfield area remain high at 19%. Schools operate most efficiently and effectively when full or nearly full. To this end the local authority seeks to keep the number of surplus places (the number of places in schools that are unfilled) to a minimum. However, it is generally accepted that not all unfilled places in a school are surplus places, but that a small margin of surplus capacity is often allowed to facilitate parental preference, to take account of the fact that schools with available places may not always be in the part of a planning area where the demand is, and to allow for a degree of error in the forecasts. A school is generally considered to be full when it has less than 5% of its places unfilled. This is in line with the National Audit Office report on Capital Funding for new school places published in 2013, where it states:

"It is considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools".

In larger towns around one form of entry (30 intake places) is allowed while in other areas around half a form of entry (15 intake places) is allowed although margins vary depending on specific forecasts, capacities and circumstances. This figure is deemed to give the appropriate amount of flexibility in an area and is set against the need to ensure the efficient use of resources. In practice, the amount of surplus places planned for in an area will also take account of local circumstances.

By the closing date for primary school applications on 15 January 2020, Broad Oak had received two first preferences for its 2020/21 reception year intake. In comparison, the surrounding primary schools received the following first preferences:

First preferences for 2020/21

School	PAN	1 st preferences
Broad Oak	20	2
All Saints' and St Richard's	20	12
Cross-in-Hand	60	48
Dallington	15	12
Five Ashes	10	4
Mayfield	30	23
Maynards Green	30	40
Parkside	30	39
Punnetts Town	15	19
Totals	230	199

Data source: School admissions system

The closure proposal would directly affect pupils currently in Reception to Year 5 at Broad Oak. It is apparent from the information provided that, were Broad Oak to close, there would be sufficient places in the surrounding Heathfield area schools to accommodate the estimated 40 Reception to Year 5 pupils who would be displaced from the school at the end of the academic year and the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21. Year 6 pupils currently at Broad Oak would not be directly impacted as they will move on to secondary school in the new academic year.

The following tables show the local authority's projected pupil numbers for the Heathfield area to 2022/23, taken from the annual update to its pupil forecasts in July 2019. The local authority's pupil forecasts take account of factors such as the local birth rate in the area, demographic projections of future births and current housing plans in the area. Based on information currently available to the local authority on births, house building and future demographic growth in the area; it is confident there would be sufficient capacity in the area to meet future demand for places. The effect of Wealden District Council's recent decision to withdraw its Local Plan is considered in section 11 of this report.

Reception intake and total number on roll forecasts

Reception intake forecasts	Combined PAN	2018/19			2019/20			2020/21			2021/22			2022/23		
		Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %	Yr R NOR	Surplus places	Surplus %
Heathfield primary review area	230	168	62	27%	198	32	14%	197	33	14%	168	62	27%	189	41	18%

Number on roll forecasts	Combined capacity	2018/19			2019/20			2020/21			2021/22			2022/23		
		Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %	Total NOR	Surplus places	Surplus %
Heathfield primary review area	1596	1299	297	19%	1317	279	17%	1347	249	16%	1354	242	15%	1343	253	16%

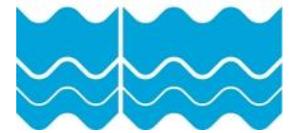
Source: January 2019 School Census and ESCC Pupil Forecasts 16.07.19

The Heathfield Primary Area Review Area contains the following schools: All Saints' and St Richard's CE Primary School; Cross-in-Hand CE Primary School; Parkside Community Primary School; Dallington CE Primary School; Broad Oak Community Primary School; Five Ashes CE Primary; Mayfield CE Primary School; Maynards Green Community Primary School and Punnetts Town Community Primary School

As can be seen from the information above, there are sufficient places in schools in the surrounding area to accommodate pupils from Broad Oak. Based on current pupil numbers across the nine schools, were Broad Oak to close surplus places in the area would reduce from 18% currently to 9%, still above the level recommended by the National Audit Office. Local schools should benefit from the proposal by reducing surplus places in the area and providing more certainty to the remaining schools about pupil numbers. The proposal should create a more sustainable network of schools in the local area thereby reducing the risk of more schools becoming unviable.

February 2020

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Equality Impact Assessment

Name of the proposal, project or service
Proposed closure of Broad Oak Community Primary School

File ref:	Broad Oak Community Primary School	Issue No:	2.0
Date of Issue:	February 2020	Review date:	

Contents

Part 1: The Public Sector Equality Duty and Equality Impact Assessments (EqIA)..	2
Part 2: Aims and implementation of the proposal, project or service.....	4
Part 3: Methodology, consultation, data and research used to determine impact on protected characteristics.....	9
Part 4: Assessment of impact.....	14
Part 5: Conclusions and recommendations for decision makers.....	34
Part 6: Equality impact assessment action plan	36

Part 1: The Public Sector Equality Duty and Equality Impact Assessments (EqIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EqIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for EqIAs, both of which are available on the intranet. This form is designed for any proposal, project or service. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The PSED is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”)

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008].
- Literacy/Numeracy Skills.
- Part time workers.
- Rurality.

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.7 Guidance on Compliance with the PSED for officers and decision makers:

1.7.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.7.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.7.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.7.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2: Aims and implementation of the proposal, project or service

2.1 What is being assessed?

a) Proposal or name of the project or service.

Proposed closure of Broad Oak Community Primary School

b) What is the main purpose or aims of the proposal, project or service?

The proposal is to close Broad Oak Community Primary School (Broad Oak) on 31 August 2020.

The local authority has a statutory duty to ensure there are sufficient school places for all children. The [School Organisation Plan 2019-2023](#) sets out the local authority's approach to the organisation and leadership arrangements of schools to maintain the efficiency and effectiveness of provision to ensure that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding.

On 23 December 2019 the Lead Member for Education and Inclusion, Special Educational Needs and Disability ("the Lead Member") considered a report on the outcome of a statutory consultation on the proposed closure of Broad Oak Community Primary School ("Broad Oak"). The decision to consult on closure of Broad Oak was taken in the context of the local authority's review of rural primary school provision undertaken during the 2018/19 academic year and its statutory duty to ensure there are the right numbers of places in the right locations to meet local demand. The local authority also has to look more widely at the organisation of schools to ensure they are well placed to deliver a high quality education to their local community.

The Department for Education (DfE) statutory guidance '*Opening and closing maintained schools*' November 2019 ("the DfE guidance") sets out the reasons for closing a maintained school. These include, but are not limited to, where:

- *there are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;*
- *it is to be merged or amalgamated with another school;*
- *it has been judged inadequate by Ofsted and there is no sponsored academy solution;*
- *it is to acquire, lose or change its religious character;*
- *it is no longer considered viable; or*
- *it is being replaced by a new school.*

The area review identified Broad Oak as being at risk of closure due to its ongoing budget deficit, the high number of surplus places in the Heathfield area, and at Broad Oak in particular, its location in relation to demand arising from local pupil numbers and the quality of education. For these reasons the local authority considers Broad Oak to no longer be viable.

Having taken account of the feedback received during the consultation and the evidence provided by the local authority, the Lead Member approved the publication of a statutory proposal for the closure of Broad Oak on 31 August 2020. The Lead Member report can be viewed using the following link: [Lead Member report 23 December 2019](#).

c) Manager(s) and section or service responsible for completing the assessment

Gary Langford, Place Planning Manager, Standards and Learning Effectiveness Service and the Children's Services Senior Management Team.

2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?

The proposal affects pupils on roll at Broad Oak and their families. In the absence of the official January 2020 school census data which will not be released by the DfE until mid-late March 2020, the provisional number on roll at Broad Oak is illustrated in the chart below.

Provisional pupil numbers 2019/20

2019/20 pupil numbers	PAN	Capacity	2019/20 number on roll							
			Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Broad Oak Community Primary School	20	140	6	1	7	10	9	7	17	57

Source: Confirmation of pupil numbers by Broad Oak, February 2020

The proposal also affects members of staff at Broad Oak. Should the school close, a formal consultation would begin with all members of staff, teaching and non-teaching, and trade union representatives in line with the local authority's Managing Change Policy. More information on this is provided in 2.3 below.

Local schools should benefit from the proposal by reducing surplus places in the area and providing more certainty to the remaining schools about pupil numbers. The proposal should create a more sustainable network of schools in the local area thereby reducing the risk of more schools becoming unviable.

The local community is likely to be affected by the proposal. This is addressed in a separate Community Impact Assessment appended to the Lead Member report.

2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?

The local authority is responsible for making a final decision on the proposal. On 9 March 2020 the Lead Member will determine the statutory proposal to close Broad Oak taking into account the factors set out in the Lead Member report. If approved, the school would close on 31 August 2020.

The local authority would be responsible for overseeing the process of closing Broad Oak and would work closely with the school to implement closure, including supporting pupils during their final months at Broad Oak and in their transition to a new school.

On 24 February 2020 the Lead Member approved a change to the Heathfield schools community area from the 2021/22 academic year to incorporate the Broad Oak community area. This would ensure that should Broad Oak close, children living in the school's community area would have access to other local schools. In approving the change it was decided that merging the community areas would be of benefit to local families whether Broad Oak closes or not, as it would broaden the range of options available within the area.

In the event that a decision is taken to close Broad Oak, the local authority would write to parents and carers of children at the school asking them to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place either at one of their preferred schools named on the application form or, if this is not possible, at the nearest school to the child's home where a place is available. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the East Sussex website at:

<https://www.eastsussex.gov.uk/educationandlearning/schools/admissions/>

Latest analysis shows that of the 40 Reception to Year 5 pupils likely to be affected by the proposal, approximately 60% live nearer, or the same distance, to an alternative school, with approximately 40% living further away. Free home to school transport would be provided for eligible pupils who meet the criteria set out in the link below. From the information currently available the local authority considers that five pupils would be eligible for free home to school transport to their nearest alternative school, meaning the additional cost to the local authority would be negligible. The local authority acknowledges that some pupils living in Broad Oak and attending the school might face longer journeys to and from an alternative school each day. However, for many their nearest alternative school is within statutory walking distance.

<https://www.eastsussex.gov.uk/educationandlearning/schools/transport/>

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be an increase in car usage. To the contrary, it would be hoped that car usage would reduce thereby having a positive impact on the environment.

Should the school close, a formal consultation would begin with members of staff at Broad Oak and their trade union representatives. The local authority would work alongside the school to ensure that all of the procedures for managing the change process outlined in the local authority's Managing Change Policy are followed. All staff would be entitled to be considered for redeployment to a suitable alternative post within the local authority for centrally managed roles. For school based advertised vacancies, the local authority would liaise with East Sussex maintained schools regarding the availability of staff at risk of redundancy from 31 August 2020, to seek the agreement of a school with a suitable vacancy to participate in the redeployment process in order to fill the vacancy.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

The Diocese of Chichester, as a key partner in education provision in East Sussex, has been fully involved in the reviews of rural primary school provision. Of the 68 rural primary schools in East Sussex 49 are Church of England schools. The Woodlands Federation includes a Church school, Dallington CE Primary School, and it is therefore appropriate for the Diocese to be involved in any proposals which could impact on the federation. The Diocese is not a formal decision maker in this proposal.

2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?

Proposals for closure have to follow a prescribed process established by the Education and Inspections Act 2006 (EIA 2006) as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.

The DfE statutory guidance '*Opening and closing maintained schools*' updated in November 2019 (the guidance) states

"Proposers should be aware that the Department expects all decision makers to adopt a presumption against the closure of rural schools. This doesn't mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area".

The presumption against closure does not mean that rural schools cannot be closed by local authorities, but they have a duty to carefully consider the factors set out in the guidance when proposing to close a rural school. These factors are:

- *alternatives to closure including: federation with another local school; conversion to academy status and joining a multi-academy trust; the scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;*
- *transport implications i.e. the availability, and likely cost of transport to other schools and sustainability issues;*
- *the size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;*
- *the overall and long term impact on local people and the community of the closure of the village school and of the loss of the building as a community facility; and*
- *wider school organisation and capacity of good schools in the area to accommodate displaced pupils.*

Broad Oak is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2019. The local authority has provided evidence in a separate document, appended to the Lead Member report, to show that it has carefully considered each of these factors.

2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.

On the 23 December 2019 the Lead Member, having considered the outcome of the consultation and evidence provided by the local authority, approved the publication of a statutory proposal for the closure of Broad Oak on 31 August 2020. In accordance with the Education and Inspections Act 2006 (EIA 2006), as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013, a statutory proposal was published on the local authority's consultation hub on 10 January 2020. The proposal can be viewed in **Appendix 1** of the Lead Member report. The proposal is not related to other published proposals.

The following groups and organisations were informed of the statutory proposal:

- The DfE
- The governing board of the Woodlands Federation
- Parents and carers
- Staff
- Trade unions
- The Diocese of Chichester
- The Diocese of Arundel and Brighton
- The local MP
- East Sussex County Councillors
- Wealden District Council
- Heathfield and Waldron Parish Council
- Local schools
- Local early years settings

A brief notice containing the website address of the full proposal and information on: how copies of the proposal could be obtained; that anybody could object to, or comment on, the proposal; the date the representation period ended and the address to which objections or comments could be submitted, was published in the Sussex Express on 10 January 2020 and posted at entrances to the Broad Oak premises.

Publication of the statutory proposal triggered a four week period of representation when interested parties could object to or comment on the proposal in writing.

2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.

n/a

2.8 How, when and where is your proposal, project or service provided? Please explain fully.

The Lead Member report and appendices describe the rationale for closing Broad Oak and how alternative arrangements would be made for pupils, families and staff affected by the proposal. The Lead Member must consider the factors set out in the report before deciding whether to approve the closure of Broad Oak.

In reaching a recommendation for closure, the local authority has followed the statutory process set out in part 4 of the DfE guidance, in accordance with Section 15 of the EIA 2006, as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013.

Part 3: Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
	Employee Monitoring Data		Staff Surveys
x	Service User Data		Contract/Supplier Monitoring Data
x	Recent Local Consultations	x	Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys	x	Research Findings
x	Census Data	x	East Sussex Demographics
x	Previous Equality Impact Assessments	x	National Reports
x	Other organisations Equality Impact Assessments		Any other evidence?

3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.

All comments received during the consultation period and the subsequent representation period have been reviewed in the context of completing this EqlA and making a recommendation to the Lead Member about next steps.

One response to the consultation referenced discrimination:

'A parent should have a choice about which type of school they want their children to attend. If a parent is atheist, Jewish, Muslim or Roman Catholic, East Sussex County Council is taking away their rights to attend a non-religious educational establishment. It is discrimination'.

Similar responses were received during the representation period, for example: *'I personally do not want my children to attend a faith school and with the proposed closure, it will leave very limited options for those wanting a secular education for their children. I see this discriminatory and unacceptable and urge you to consider this a huge violation of our rights as parents and citizens'.*

The issue of denominational and non-denominational provision is addressed in sections 4.7 and 4.11 of this assessment.

Respondents to the consultation were asked to provide personal information, including information about protected and other characteristics, which was used to analyse responses. Some respondents chose not to provide personal information.

Responses to the consultation and subsequent representation period demonstrate that the majority of parents, pupils, staff, and the local community are against the proposed closure citing reasons such as the impact of the proposals on individual pupils and those with SEN; the impact of the proposals on the local community and loss of choice for parents wishing to send their child to a non-faith school. Concerns were also raised relating to the impact of the housing development in Heathfield area and the impact closure of the school would have on traffic, transport and the environment.

3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.

The local authority undertook a review of rural primary school provision in East Sussex during the 2018/19 academic year. The principal focus of the review was the increasing number of rural schools with small and very small cohorts, the local demand for places at those schools and the effect this is having on their viability and capacity to offer a well-balanced, high quality curriculum that meets the needs of their local community and makes best use of public funding. The local authority is committed to working in close partnership with schools, the dioceses and key partners to ensure that the supply of school places across the county is in the right location, is of sufficient size, and is viable and of good quality.

In partnership with the Diocese of Chichester, the local authority reviewed 12 areas of the county containing a total of 62 rural schools. The areas were based largely on the former School Organisation Plan areas and the geography of schools.

The review took account of many variables which influence provision in an area. These include:

- the quality of provision and outcomes achieved for pupils;
- school leadership;
- federations and collaborations;
- financial viability;
- the level of surplus places in an area / school;
- the location of schools in relation to local pupil numbers;
- parental choice for schools; and
- premises.

Sustainability of schools is not just about financial viability but also the ability of schools to make appropriate provision and secure good outcomes for all pupils over time. Consideration of this was an important part of the area review process. The local authority's strategy of supporting schools into federations has helped strengthen a number of small schools; however federation does not provide an answer for all the financial challenges schools face.

Whilst the review was not driven by the need for the local authority to make financial savings, the need to ensure that schools can provide a financially viable, high quality education is very important and was one of the key considerations of the review. Notwithstanding this, there are cost implications for the local authority where schools are experiencing challenges in relation to sustainability. This involves additional activity undertaken by the local authority with regard to advice and guidance to school leaders and governors about restructuring, budgeting and class organisation to support schools in the short term. This type of support cannot be considered a long term strategy and there is a reputational risk to the local authority if appropriate action is not taken in a timely manner which is then required at a future date.

A number of rural schools have, or are predicted to have, significant surplus places (25% or more) and are facing real challenges in terms of their financial viability and their capacity to offer a well-balanced, high quality curriculum. Surplus places impact negatively on all sizes of schools in rural areas because it can lead to a fluctuation in pupil numbers.

Between January and March 2019 the local authority, in conjunction with the Diocese of Chichester, undertook a series of engagement sessions to share with schools data for their area and to hear about the challenges and opportunities schools face now and in the future. Every session was well attended by headteachers and governors, with only one school across the twelve areas not attending.

At each meeting the local authority presented data on pupil numbers, surplus places, pupil distribution, parental preferences, births and housing. The local authority also asked school colleagues to consider the strengths, challenges, opportunities and threats of being a rural school in their area. Some general themes came out of the analysis such as:

- strengths – centre of the community, caring and nurturing, knowing every family and child, strong links to the church and diocese;
- challenges – fluctuating pupil numbers, budget pressures, school buildings, staff workload (leadership of several subjects);
- opportunities – expansion of existing partnerships / federations, rationalisation of provision – fewer, more viable schools, sharing best practice, amalgamation of schools; and
- threats – high levels of Special Educational Needs pupils, the birth rate, staff and governor recruitment, doing nothing.

In addition to the feedback provided at the meeting, schools were given the opportunity to send written representations following the engagement sessions. Responses were received from six schools. In May 2019 the local authority and the Diocese of Chichester visited a small number of schools for more detailed discussions about the challenges facing individual schools. Throughout the review schools were kept informed of progress through a number of Virtual Schoolbag updates during the 2018/19 academic year.

The local authority and the Diocese of Chichester considered feedback from the engagement sessions and from subsequent meetings with schools. A range of options were considered including changing PANs, potential mergers of two or more schools and reconfiguration of infant and junior phases across a number of schools. The local authority and the Diocese of Chichester concluded that in two areas – Heathfield and North Chailey – school closure proposals should be brought forward and this was approved by the Lead Member on 24 June 2019. For the remaining ten areas no school closures are required either because the total surplus capacity is within tolerable levels, none of the individual schools in the area have significant surplus places or because other actions have been identified that will reduce capacity and / or address viability in an area.

Proposals for closure have to follow a prescribed process established by the Education and Inspections Act 2006 (EIA 2006) as updated by the Education Act 2011 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013. In accordance with the prescribed process the local authority began a pre-publication consultation on the proposed closure of Broad Oak on 5 July 2019. There is no prescribed timeframe for consultation, but the Department for Education (DfE) recommends that it should last for a minimum of 6 weeks. The local authority acknowledged that the consultation period straddled the summer holiday and accordingly extended the consultation period to 11 October 2019, meaning there were a total of 14 weeks of consultation, of which 8 were during term time.

Consultation on the proposed closure of Broad Oak was widely publicised through the local authority's consultation hub, press releases and radio interviews. It was also published on the local authority's digital newsroom and shared on its corporate social media accounts. Hard copy and translated versions of the consultation document were available on request. Letters were written to key stakeholders including pupils, parents and carers, staff, the governing board, other local schools and trade unions. The local authority also consulted with a wide range of other groups and organisations including early years providers, the district and parish councils, the local MP, the Church of England and Catholic dioceses and the wider local community.

Consultation meetings were held with staff, union representatives, parents and carers and the local community on 15 July 2019 to provide further information on the proposal and give interested parties the opportunity to ask questions. Notes were taken at both meetings and a Q&A document responding to key issues raised was produced and posted on the consultation hub for people to view. A significant number of questions and requests for information were received prior to the consultation formally opening. These were also addressed where possible through the Q&A on the consultation hub.

In addition, the local authority sought feedback directly from pupils through a pupil engagement session at the school on 16 September 2019 facilitated by two of the local authority's consultant headteachers.

A petition of 138 signatures was submitted before the end of the consultation period. A further petition on the local authority's [website](#) received a total of 1,232 signatures.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?

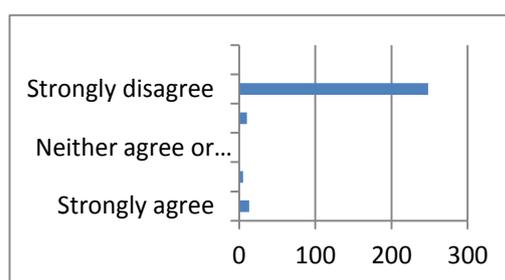
The pre-publication consultation elicited a total of 293 responses, 276 via the consultation hub and 17 by letter or email to the consultation inbox. A number of individuals also emailed elected members and officers separately and in some cases on more than one occasion. Some respondents chose to complete both the online response form and submit an email / letter response. All of the responses to the consultation are available for elected members to view in the Cabinet and Members' rooms.

One response was received after the consultation period closed.

Feedback was overwhelmingly in support of keeping the school open.

A summary of the 276 consultation hub responses is provided below.

Strongly agree	13	4.7%
Agree	5	1.8%
Neither agree or disagree	0	0.0%
Disagree	10	3.6%
Strongly disagree	248	89.9%
Not answered	0	0.0%
Total	276	

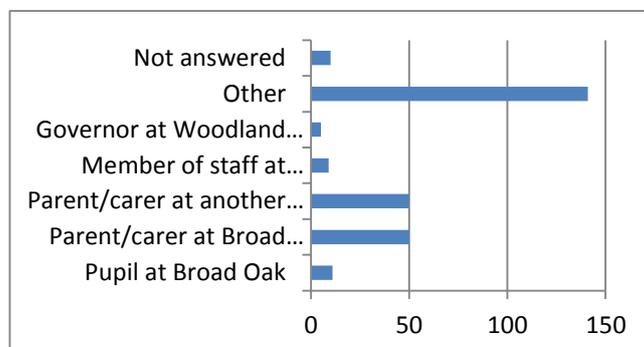


From the comments received it was evident that 7 of the 13 respondents who ticked 'strongly agree', identified in the table above, actually disagreed with the proposal and simply ticked the wrong box. This took the total number of objections to 265 or 96%. It was clear that respondents who chose to email and write letters also objected to the proposal.

Respondents who agreed that the school should close numbered 11 or 4% (reduced to take account of those that ticked the wrong box). Those in favour commented that closing the school would help to secure other schools in the local area; that pupil's learning outcomes would be likely to improve at other schools and that Broad Oak is providing a poor quality of teaching and should close.

Respondents identified themselves as:

Pupil at Broad Oak	11	4.0%
Parent/carer at Broad Oak	50	18.1%
Parent/carer at another school	50	18.1%
Member of staff at Broad Oak	9	3.3%
Governor at Woodlands Federation	5	1.8%
Other	141	51.1%
Not answered	10	3.6%
Total	276	



The majority of respondents classified themselves as 'other'. Although not everyone that ticked 'other' gave details, at least 46 identified as members of the local community. 15 identified as relatives of staff and/or pupils at the school whilst 29 identified as past parents or past pupils of the school. 'Other' respondents also included, but were not limited to, a local headteacher, ex-members of staff, staff at other schools, friends of families at Broad Oak, a local GP and the Heathfield and

Waldron Parish Council. The governing board of The Woodlands Federation did not submit a collective response.

In total, 70 online responses were received from pupils, parents and carers and members of staff at Broad Oak. There were also individual responses from five governors of the Woodlands Federation and the clerk to the governing board. It could therefore be said that at least 76 of the 276 respondents would be directly affected by the proposal. In addition, many local residents would argue that they too would be directly impacted as they see the school as the heart of the community.

The representation period which ran from 10 January 2020 to 6 February 2020 received a total of 66 responses to the consultation in-box. A number of individuals also emailed senior officers separately. All of the responses and correspondence received are available for elected members to view in the Cabinet and Members' rooms. One late response was received.

The main themes arising from representations to the statutory proposal were largely similar to those raised during the consultation period, namely:

- *the impact on pupils, particularly those with a Special Educational Need or Disability (SEND);*
- *the capacity of local schools to accommodate pupils displaced from Broad Oak;*
- *that other schools in the area should consider reducing their PANs*
- *the impact on pupils' journey times and traffic congestion;*
- *the impact on the community;*
- *the quality of education at Broad Oak;*
- *the presumption against the closure of rural schools and the local authority following due process;*
- *the balance of non-denominational provision in the area;*
- *the local authority should challenge government to provide sufficient funding for schools;*
- *the local authority should provide extra funding to assist Broad Oak over the next two years. This would encourage pupils to return to the school and for new pupils to join the school; and*
- *the local authority's plans for the Broad Oak site should it close.*

In addition to the points above, respondents also referred to:

- *the effect of Wealden District Council's recent decision to withdraw its draft Local Plan and to begin production of a new Plan; and*
- *a proposal submitted by the Woodlands Federation Governing Board on 27 January 2020 to address the shortfall in funding between 2019 and 2022.*

Part 4: Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

The overall population in East Sussex has grown steadily in the last 10 years, rising from 519,197 in 2008 to 554,590 in 2018. In Wealden District the population has grown from 146,539 to 160,175 in the same period.

Population change (all ages) between 2001 and 2018

Year	Population 2008	Population 2018	Change	% change
East Sussex	519,197	554,590	+35,393	6.8%
Wealden District	146,539	160,175	+13,636	9.3%

Source: ONS Mid-year estimates 2018, East Sussex in Figures (ESiF)

By 2032 the population in East Sussex is projected to increase by 10% and by 18.6% in Wealden District.

Population projections (all ages) from 2017 to 2032

Year	Population 2017	Population 2032	Change 2018-2032	% change 2018-2032
East Sussex	552,259	607,473	+55,214	10.0%
Wealden District	158,941	188,473	+29,532	18.6%

Source: Population projections (dwelling led) 2017-2032 – districts, April 2019, ESiF

The picture for East Sussex as a whole is of an ageing county. The proportion of the population aged 65 and over is forecast to rise from 25.4% in 2017 to 32.1% in 2032. At the same time the proportion of 0-10 year olds in the county is projected to fall from 11.7% in 2017 to 10.4% in 2032. In Wealden District the proportion of 0-10 year olds is projected to fall from 11.5% in 2017 to 10.8% in 2032.

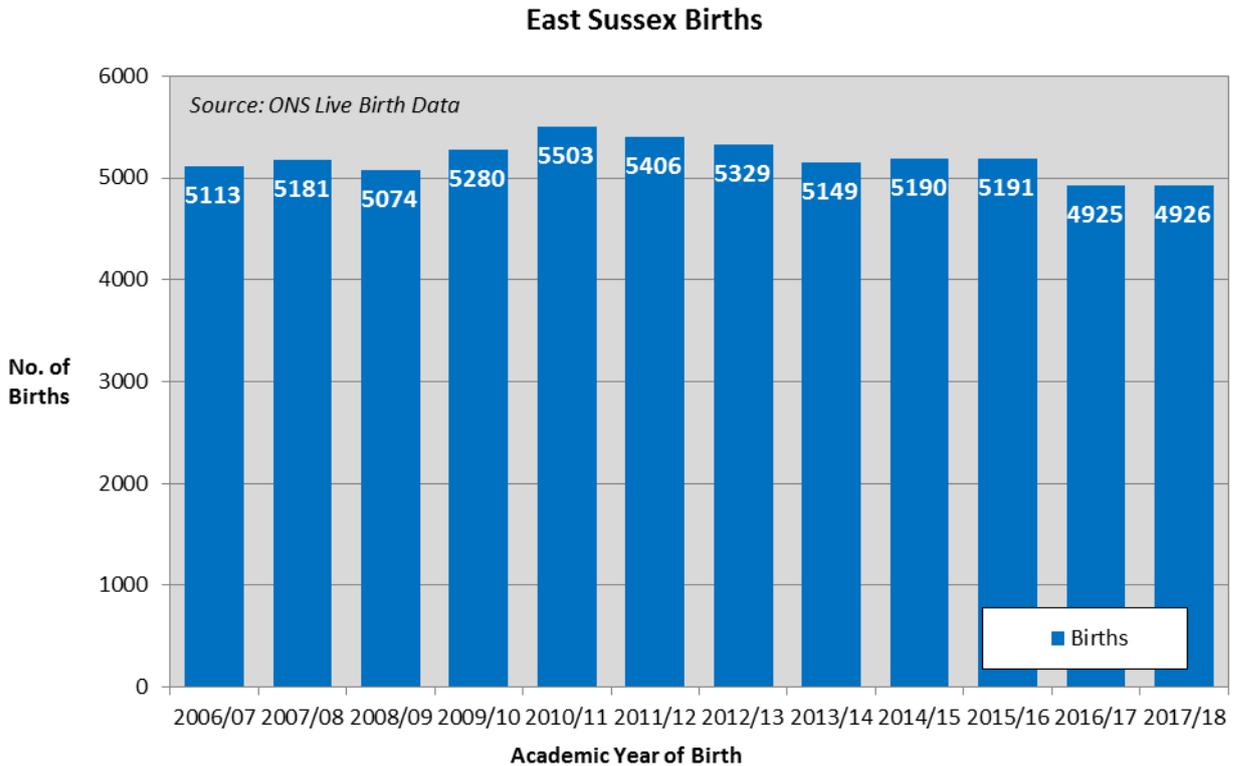
Population projections by age group 2017-2032

Age group	East Sussex				Wealden District			
	2017	Proportion	2032	Proportion	2017	Proportion	2032	Proportion
0-10	64,695	11.7%	63,302	10.4%	18,271	11.5%	20,418	10.8%
11-17	41,350	7.5%	45,243	7.5%	12,437	7.8%	14,166	7.5%
18-64	305,744	55.4%	303,659	50%	87,229	54.9%	93,418	49.6%
65+	140,470	25.4%	195,269	32.1%	41,004	25.8%	60,471	32.1%
Totals	552,259	100%	607,473	100%	158,941	100%	188,473	100%

Source: Population projections (dwelling led) 2017-2032 – districts, April 2019, ESiF

This reflects that the birth rate in East Sussex, in line with national trends, has fallen since 2010/11 as illustrated in the chart below.

East Sussex births

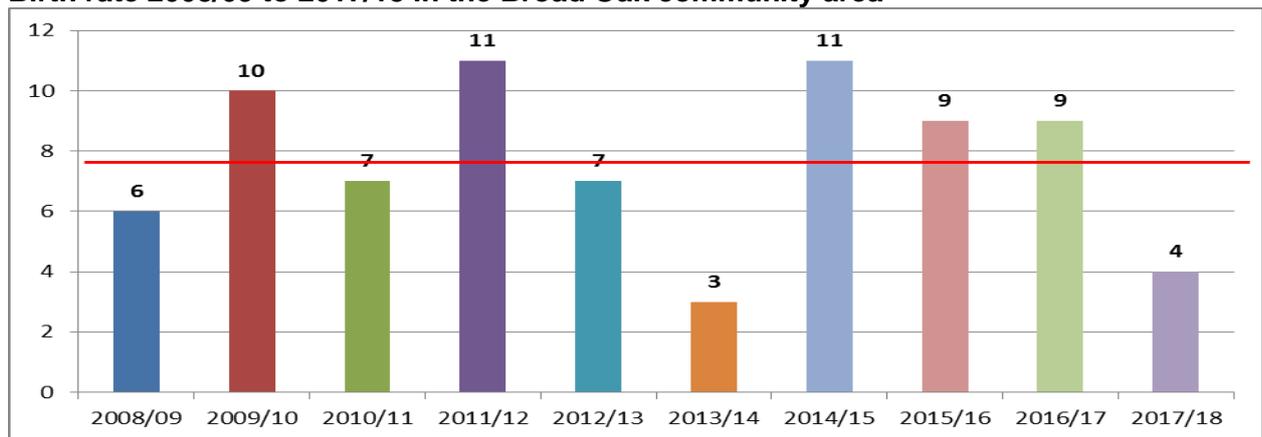


At the October 2019 school census 38,420 pupils were educated in 152 state-funded primary schools (including all-through schools) in East Sussex. In Wealden District 10,580 pupils attended 55 state-funded primary schools.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Over the last 10 years, births in the Broad Oak community area have averaged fewer than eight a year, with a high of 11 and a low of three, as illustrated below.

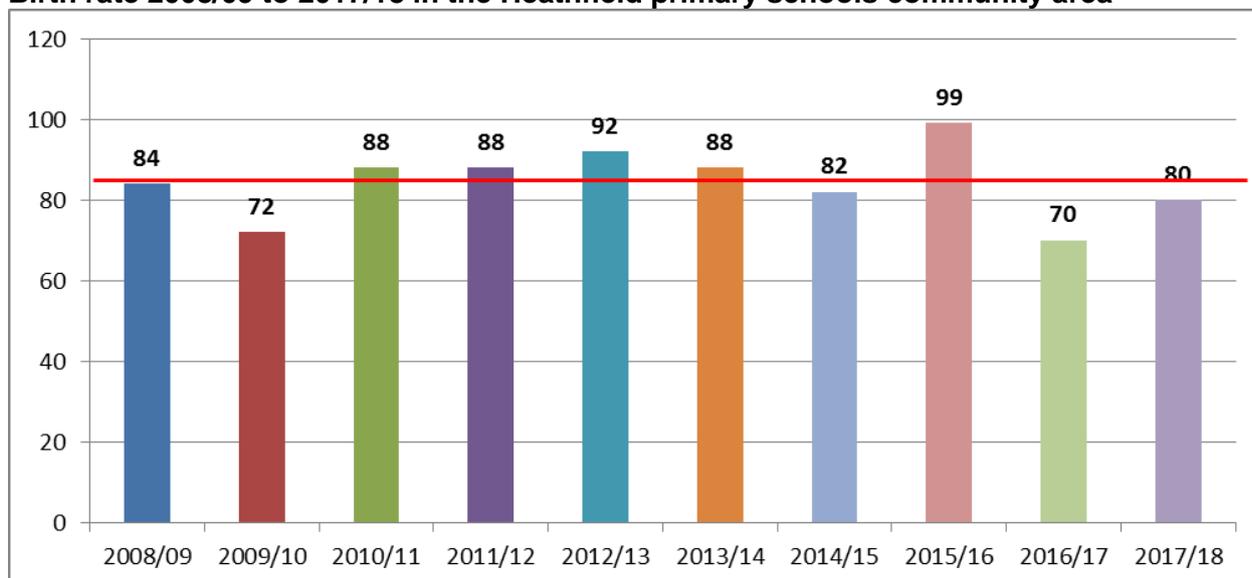
Birth rate 2008/09 to 2017/18 in the Broad Oak community area



Source ONS Live Birth Data

In the same period, births in the Heathfield community area have averaged fewer than 85 a year, with a high of 99 and a low of 70 as demonstrated below.

Birth rate 2008/09 to 2017/18 in the Heathfield primary schools community area



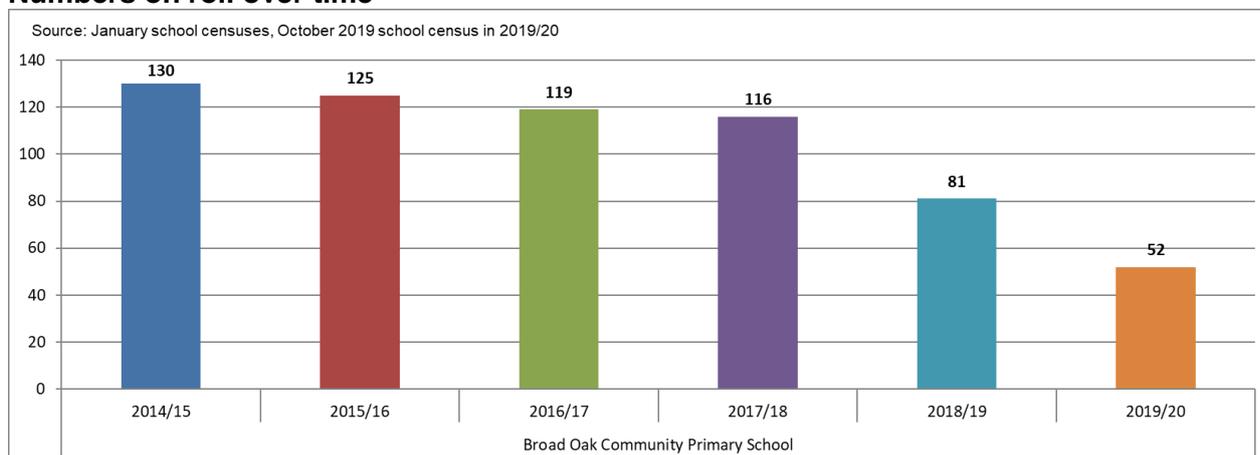
Source ONS Live Birth Data

Based on births alone the combined published admission number (110) of the three Heathfield schools (All Saints' and St Richard's CE Primary School, Cross-in-Hand CE Primary School and Parkside Community Primary School) would have been sufficient in each year of the ten years to accommodate all of the children born in the Heathfield and Broad Oak community areas.

According to the October 2019 school census there were 60 primary age pupils living in the Broad Oak community area attending state funded primary schools in East Sussex. Of these, only 18 (30%) attend Broad Oak. The remaining 70% attend other schools in the county.

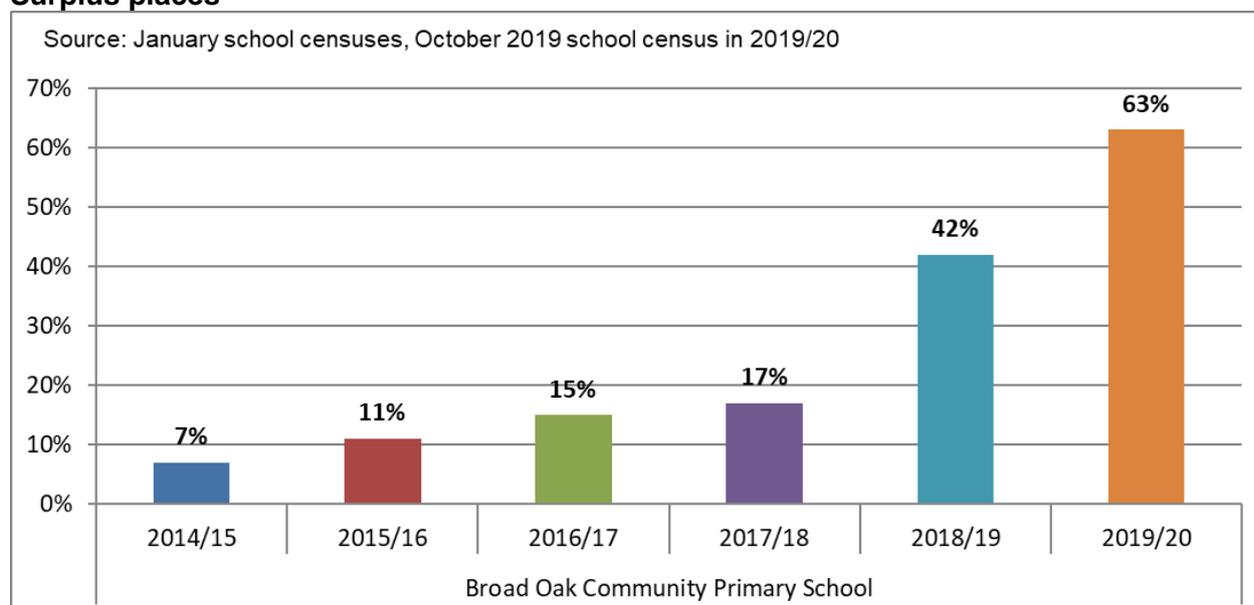
Pupil numbers at the school have been falling since 2014/15, as illustrated. At the October 2019 school census there were 52 pupils on roll against its capacity of 140.

Numbers on roll over time



As a result of falling pupil numbers at the school the percentage of surplus places continues to grow; the surplus at the October 2019 school census was 63%.

Surplus places



Many respondents challenged the data that was provided in the Lead Member report and the subsequent consultation document, and the apparent inaccuracies when compared to data publically available through East Sussex in Figures (ESiF). For example, ESiF states that the population in Wealden District is estimated to grow by 18.6% between 2017 and 2032. Respondents appear to have taken this district-wide figure and assumed it applies to each area of the district including Broad Oak. The Broad Oak consultation document included data on historic actual and short-term forecasts of pupil numbers. However, ESiF does not publish local level population forecasts. The main reason that the two sets of historic totals may differ is that the ESiF figures relate to the number of children living in the local area, whereas the pupil number actuals given are for those children attending Broad Oak. Not all children who live in the local area attend the local school. Some will attend schools in Heathfield and other areas, while some will be educated in the independent sector. Similarly, Broad Oak has a number of pupils on roll who live in other areas.

Additionally, the Lower Super Output Area boundaries used in the ESiF estimates do not necessarily correspond to the Broad Oak admissions community area. Development in Wealden is primarily focussed in the more urban areas of Hailsham, Polegate, Stone Cross and Uckfield where infrastructure generally supports growth. To a lesser extent areas such as Horam and Heathfield will also see some growth, while villages like Broad Oak will see very little new development.

Wealden District Council provides regular updates on housing numbers and trajectories to inform the local authority's pupil forecasts. The most recent update was provided in spring 2019 and showed that just short of 600 homes are planned in Heathfield and Waldron Parish during the Wealden Local Plan period between 2018/19 and 2027/28. Within this total the Wealden Local Plan sets a windfall allowance of 50 dwellings for the village of Broad Oak over the same period.

The local authority's published pupil yields from new housing are provided below.

Pupil yields from new homes

Pupil yield per new dwelling by property type and size	Houses 2 bed+	Flats 2 bed+	Houses / flats 1 bed
Primary schools	0.25	0.0375	0.00

Taking these pupil yields into account and assuming that all new homes are houses with two bedrooms or more, in Heathfield and Waldron Parish as a whole the local authority estimates 150 additional primary age pupils would be generated across all year groups from new homes over a ten year period (approximately 21 additional pupils per year group over the period). The housing

specifically in the Broad Oak community area would, over the same period, generate an estimated 12 to 13 additional pupils (approximately 2 additional pupils per year group over the period). The demand for places is therefore likely to be in Heathfield rather than in Broad Oak. The local authority's pupil forecasts take account of these housing figures and the likely demand for school places they will generate.

On 19th February 2020 Wealden District Council (WDC) took the decision to withdraw its Local Plan after the Planning Inspector found that the Plan could not proceed in its current form. WDC has subsequently embarked on the process of developing a new Local Plan.

This will inevitably lead to a period of uncertainty while WDC reviews its position and begins to form an opinion on the likely quantum and location of future housing development it has to plan for in the district. What is almost certain is that this will lead to a greater number of new homes being built in the district in future years. What is less certain at this stage is how much more and where in the district this might happen. The details of this will become more apparent over time, but currently there are no indications from WDC that they will look to Heathfield or the village of Broad Oak to provide significantly more or any less housing than is already planned. Both settlements are prominent within the High Weald Area of Outstanding Natural Beauty (AONB), where the National Planning Policy Framework (NPPF) specifically guards against large scale residential development.

In the meantime, the local authority must continue to discharge its statutory duty in terms of ensuring there are sufficient school places to meet demand and that all schools are well placed to deliver high quality education that meets the needs of their local community and makes best use of public funding. In the absence of any new information from WDC the local authority has to take account of what is currently known and develop its school place planning strategies accordingly.

While some may argue that Broad Oak should remain open until there is more certainty about the future position in Wealden, the local authority considers this would create its own uncertainty for the school community and is unlikely to immediately affect pupil numbers at the school and in the wider area. If the local authority finds in the future that there is a requirement for new places in the district as a result of new housing developments, it would look to provide these places locally to where the demand is.

186 (67.4%) of the 276 respondents to the consultation chose to answer the question 'How old are you?' 32.6% preferred not to say or did not answer the question. The breakdown of ages was as follows.

Age group	Total
0-10	3.6%
11-17	1.4%
18-64	53.6%
65+	8.7%

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

The closure proposal would directly affect pupils currently in Reception to Year 5 at Broad Oak who would have to access alternative primary schools in the area should Broad Oak close.

d) What is the proposal, project or service's impact on different ages/age groups?

The proposal would impact on the estimated 40 Reception to Year 5 pupils who would be displaced from the school at the end of the current academic year. Year 6 pupils currently on roll at Broad Oak would not be directly impacted as they will move on to secondary school in the new academic year.

e) What actions are to/or will be taken to avoid any negative impact or to better advance equality?

All local authorities have a statutory duty to ensure there are sufficient school places to meet demand. In line with this duty every pupil at Broad Oak, and the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21, would be offered a place at an alternative school, many of which are likely to be closer to their home address and all of which have a better Ofsted rating than Broad Oak. Therefore no pupils would be disadvantaged in their education because of their age.

f) Provide details of the mitigation.

The local authority would take all practicable steps to ease the transition for all pupils, most especially for vulnerable groups such as those with an Education, Health and Care Plan (EHCP) or those identified as needing SEND support. The local authority would work with receiving schools to arrange transition days for pupils to familiarise themselves with their new environments.

In addition to the mitigations outlined above, the receiving schools would be asked to identify buddies for the incoming pupils to help further ease transition by ensuring there is a familiar face and an introduction to new friendship groups.

The majority of pupils currently attending Broad Oak are from out of area while a number of children living in the village travel to other schools. The majority of pupils therefore already face journeys to and from school each day. Should the school close the likely impact on traffic and the environment could potentially be reduced if the majority of displaced pupils attend schools nearer to their home address. Free transport would be provided to eligible children. From the information currently available, the local authority considers that five pupils would be eligible for free home to school transport to their nearest alternative school, meaning the additional cost to the local authority would be negligible. The local authority acknowledges that some pupils living in Broad Oak and attending the school might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

It is envisaged that displaced pupils would continue to be transported to and from school under arrangements made by their parents and carers and that, given the majority of pupils would be able to attend a school nearer to their home address it is unlikely there would be an increase in car usage. To the contrary, it would be hoped that car usage would reduce thereby having a positive impact on the environment.

g) How will any mitigation measures be monitored?

The local authority regularly reviews its pupil forecasts to ensure there are sufficient school places to meet demand and if necessary, takes action to address any shortfalls in places in line with its statutory responsibilities.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County / District / Borough?

Disability projections published on ESiF in May 2019 put the total number of people with a disability in East Sussex at 101,101 and in Wealden District at 26,112.

Dataset: Disability projections (dwelling-led), 2017-2032 - districts

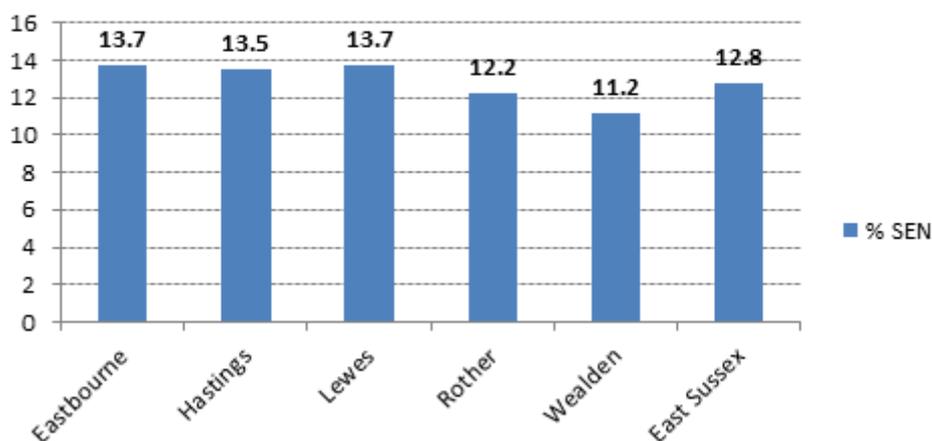
ESCC Projections May 2019

Geography: Mixed Year Age group: All ages Category: Overall disability Measure: Number of people with disability

Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
East Sussex	98,608	99,800	101,101	102,766	104,874	107,010	109,158	111,194	113,369	115,459	117,684	120,015	122,422	124,788	127,219	130,210
Eastbourne	19,414	19,588	19,802	20,053	20,388	20,708	21,058	21,370	21,683	22,001	22,352	22,711	23,104	23,485	23,892	24,396
Hastings	17,419	17,601	17,800	18,030	18,310	18,580	18,878	19,136	19,403	19,665	19,957	20,256	20,582	20,911	21,224	21,594
Lewes	17,578	17,852	18,090	18,402	18,770	19,158	19,559	19,923	20,285	20,596	20,932	21,312	21,683	22,050	22,454	22,968
Rother	18,904	19,083	19,297	19,595	20,006	20,372	20,690	21,024	21,453	21,886	22,318	22,815	23,260	23,687	24,140	24,721
Wealden	25,293	26,676	26,112	26,686	27,400	28,193	28,973	29,741	30,546	31,311	32,124	32,920	33,793	34,654	35,508	36,531

At the October 2019 school census there were 9,093 pupils (13.5%) recorded as having Special Educational Needs (SEN) being educated in state funded schools in East Sussex (of which 137 reside outside of East Sussex). The number in Wealden District was 2,103 or 11.2% of the district's state funded school age population.

% of pupils with SEN - October 2019 School Census - Primary age (Pupil Postcode)



b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

SEND data for Broad Oak shows that the percentage of SEND pupils identified by the school is 17.3% (9 out of 52), including those with an Education, Health and Care Plan (EHCP), of which there are fewer than five. In comparison, the East Sussex average for SEND pupils in primary schools is 12.7%. The percentage of pupils at Broad Oak with an EHCP is broadly in line with county averages.

Source: October 2019 School Census

5.8% of respondents to the consultation answered 'yes' to the question 'Do you consider yourself to be disabled as set out in the Equality Act 2010?'. 85.5% answered 'no' while 8.7% preferred not to say or did not answer the question.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

The impact on pupils, particularly those with special educational needs (SEN), is a concern for a number of respondents. They question the ability of other schools to provide for pupils with additional needs, referencing what they perceive to be the nurturing ethos of Broad Oak and the expertise of staff to support pupils with emotional, physical and health needs. There is anxiety amongst parents that other schools would not be able to replicate the SEN offer at Broad Oak.

Chapter 6 of the SEND Code of Practice explains the action that mainstream schools should take to meet their duties in relation to identifying and supporting all children with SEN whether or not they have an Education, Health and Care (EHC) plan. Chapters 6.36 to 6.39 state:

'Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.

High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered.

In deciding whether to make special educational provision, the teacher and SENCO should consider all of the information gathered from within the school about the pupil's progress, alongside national data and expectations of progress. This should include high quality and accurate formative assessment, using effective tools and early assessment materials. For higher levels of need, schools should have arrangements in place to draw on more specialised assessments from external agencies and professionals.

This information gathering should include an early discussion with the pupil and their parents. These early discussions with parents should be structured in such a way that they develop a good understanding of the pupil's areas of strength and difficulty, the parents' concerns, the agreed outcomes sought for the child and the next steps'.

The determination of whether a child has SEND is down to individual schools in consultation with parents and the threshold varies between establishments. All schools have the same duties under the Equality Act 2010 and the Children and Families Act 2014 to identify and provide for children with SEND and, unless there are specific provisions named in a statutory plan which would make admission incompatible with the requirement for reasonable adjustments, it is a legal requirement for all schools to comply. As barriers to learning, that a pupil with SEND might experience, change over time, the local authority would expect provision to adapt and change accordingly and, therefore, the requirements of an individual at any given time are not reflective of those in the future. In some cases, children may cease to be identified as having SEND if appropriate adjustments are put in place to enable them to overcome barriers and to make progress in line with their peers.

Attainment for SEND pupils is difficult to compare across schools due to the very small cohorts. As would be expected for this cohort, at Broad Oak and all the alternative schools, some SEND pupils attain at the expected standard and some do not.

Respondents identified the care suite at Broad Oak and their concern about the perceived lack of alternative care suites at other schools in the area. There are care suites at four alternative schools in the wider area, at:

- Cross-in-Hand CE Primary School – full facilities available
- Hawkes Farm Primary Academy – full facilities available

- Park Mead Primary School – full facilities available but some steps between the infant and junior parts of the building
- Punnetts Town Community Primary School – full facilities available

Many respondents also referred to the impact of the proposed school closure on the mental health and wellbeing of pupils, parents and carers, staff and the wider local community. Local authority support is available to schools, children and families for mental health and emotional wellbeing as set out in Appendix 4 of the 23 December 2019 Lead Member report.

The local authority is mindful of the impact of the proposed closure on the school community. If the closure goes ahead, change would be managed very carefully with additional support to meet the identified needs in the school community. The local authority recognises the additional challenges for pupils with SEND and particularly those with autism. It also recognises the potential impact on these pupils' families. For this reason, the ISEND Communication Learning Autism Support Service (CLASS) was asked to make contact with the school before the end of the 2018/19 academic year to offer additional support.

CLASS have been liaising with Broad Oak's inclusion manager since July 2019, around identified pupils with autism who were experiencing anxiety about the proposals. Two CLASS practitioners worked directly with the pupils, identified by the school staff, in Term 6 of last academic year and Term 1 of the current academic year. Following this support, a number of pupils were identified by the CLASS practitioners and school staff as needing further support which is being provided.

In addition to this existing support for identified pupils, a team of professionals from the local authority (including a Senior Educational Psychologist, a Senior Manager from CLASS and the ISEND Senior Manager for SEN Practice and Standards) met with Broad Oak's head of school and inclusion manager on 31 January 2020 to identify any additional support needed.

On 11 February 2020 the local authority held parent support meetings at the school. In total 18 families (28 children) took the opportunity to attend 1:1 sessions with local authority officers to discuss strategies for parents and carers to support their children during this difficult time. A follow up meeting on 19 March 2020 is planned with the head of school and inclusion manager to consider any further support that might be required in terms of supporting the school with changes should it remain open or to provide transition support for parents, carers and their children should the decision be taken to close the school.

d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

If Broad Oak were to close, the local authority is confident that teaching staff at other schools would manage the transition of any pupils to their new school by working with parent, carers and staff at Broad Oak to identify the strengths and interests of the pupils. This information would then be used to inform curriculum planning and create a sense of belonging through displays in the environment, ensuring that the pupils build relationships with staff and pupils in the new school as quickly as possible. Staff in the new school would also talk to parents and carers and staff at Broad Oak to ensure they were aware of any additional needs or anxieties the pupil may have, so these could be well supported. This could be through an additional 'taster' visit to the new classroom, allocating a peer as a 'buddy', allocating a named adult that would greet the pupil every morning and check in on them during the day or creating a photobook of the classroom and key staff for the pupil to keep at home. These circumstances are not unusual in that schools regularly manage in-year admissions, though it is recognised that there will be a significant number of pupils making the transition at any one time, including a number of pupils with SEND. Therefore additional support will be in put in place for the transition arrangements.

The local authority would take all practicable steps to ease the transition for pupils, most especially for vulnerable learners and those with SEND including working with Broad Oak to identify any pupils who may require additional support from ISEND specialist practitioners prior to and following the change. For example, the Communication Learning Autism Support Service (CLASS) would provide individual or small group sessions to reduce anxiety for any pupils with

Autism who require it and the Education Support Behaviour and Attendance Service (ESBAS) would provide individual or small group sessions on managing strong feelings and/or building new friendships for pupils with mental health or wellbeing needs who are identified as needing that additional support. This package of support around individual pupils would be provided free of charge to Broad Oak and the next school. The majority of pupils, including those with SEND, will be able to manage the change successfully without additional support from ISEND services, through well-planned preparation and transition activities involving staff at Broad Oak and the pupil's next school.

e) Provide details of any mitigation.

Broad Oak is a mainstream school. All mainstream schools are required to meet the individual needs of all their pupils including those with SEN and disability, as set out in the SEND Code of Practice and the East Sussex Quality Mark for Inclusion (ESQMI). All schools in the area want all children to thrive and have access to a range of support to help with their needs. This would be the case for children moving from Broad Oak and all schools would be expected to provide the same level of care as that provided at Broad Oak.

The local authority would work with pupils, their parents, carers and the relevant schools to make appropriate transition arrangements for pupils. Relevant families would be consulted about any specific potential impacts on individuals; for instance, because of loss of support networks or the need to replicate reasonable adjustments made to accommodate children with a disability, and the local authority would ensure that appropriate individual arrangements are made where this is necessary to avoid potential adverse impacts. Transfer to a larger school could potentially provide more flexibility of resource to support pupil's special educational needs.

f) How will any mitigation measures be monitored?

The local authority would closely monitor the transition of the pupils to their new schools through regular monitoring arrangements already in place. All schools have to report on the outcomes of all pupils, including those with SEND. The local authority would continue to monitor regularly the outcomes at all schools for these pupils.

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/ Borough?

Ethnicity

85.2% of pupils in East Sussex (84.9% in primary schools), according to the January 2019 school census, are of White British Heritage (WBRI). 13.5% of pupils in East Sussex are Black and Minority Ethnic (BME) (14.2% in primary schools).

In Wealden District 90.2% of pupils are WBRI (90.4% in primary schools); 8.8% are BME (9.2% in primary schools).

English as an Additional Language (EAL)

The proportion of pupils with EAL in East Sussex primary schools according to the October 2019 school census is 6.1% (6.9 % in primary). In Wealden District the figure is 2.5% (2.7% in primary schools).

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Ethnicity

98.8% of pupils, who attend Broad Oak according to the January 2019 school census, are WBRI, 1.2% are BME.

81.9% of respondents to the consultation who chose to answer the question 'To which of these ethnic groups do you feel you belong?' identified themselves as WBRI with 6.5% as BME. 11.6% preferred not to say or did not answer the question.

EAL

No pupils currently on roll at the Broad Oak have EAL.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Pupils currently in Reception to Year 5 at Broad Oak would be affected by the proposal regardless of ethnicity as all would have to access alternative primary schools in the local area. This also applies to the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21.

d) What is the proposal, project or service's impact on those who are from different ethnic backgrounds?

N/A

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

a) How is this protected characteristic target group reflected in the County/District/Borough?

According to the October 2019 school census, 51.4% of pupils in East Sussex (51% in primary schools) are male and 48.6% (49% in primary schools) are female.

51.7% of pupils in Wealden District (51.4% in primary schools) are male and 48.3% (48.6% in primary schools) are female.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

According to the October 2019 school census the percentage of pupils attending Broad Oak who are male is 51.9% and female, 48.1%.

25% of the respondents to the consultation who chose to answer the question 'Are you...?' identified as male with 67.4% identifying as female. 7.6% preferred not to say or did not answer the question.

Less than 1% of respondents identified as a transgender or trans person.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Pupils currently in Reception to Year 5 at Broad Oak would be affected by the proposal regardless of gender as all would have to access alternative primary schools in the local area. This also applies to the two children who have expressed a first preference for a reception place at Broad Oak in 2020/21.

d) What is the proposal, project or service's impact on different genders?

N/A

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

The local authority does not consider marital status/civil partnership characteristics to be relevant to the proposal.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

N/A

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

N/A

d) What is the proposal, project or service's impact on people who are married or same sex couples who have celebrated a civil partnership?

N/A

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

The local authority does not consider pregnancy and maternity characteristics to be relevant to the proposal.

a) How is this protected characteristic target group reflected in the County/District/Borough?

N/A

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

N/A

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

N/A

d) What is the proposal, project or service's impact on pregnant women and women within the first 26 weeks of maternity leave?

N/A

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

In the 2011 Census, 59.9% of the population of East Sussex identified as Christian. 29.6% stated they had no religion. 0.8% identified as Muslim, 0.4% as Buddhist, 0.3% as Hindu, 0.2% as Jewish and 0% as Sikh.

How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

In the 2011 Census, 64% of the population of Wealden identified as Christian. 26.3% stated they had no religion. 0.4% identified as Muslim, 0.3% as Buddhist, 0.1% as Hindu, 0.2% as Jewish and 0% as Sikh.

30.4% of respondents to the consultation who chose to answer the question 'Do you regard yourself as belonging to any particular religion or belief?' regarded themselves as belonging to a particular religion or belief. 51.8% stated they had no religion. 17.8% preferred not to say or did not answer the question.

28.3% of respondents identified as Christian, 1.1% as Buddhist and 2.2% as other.

b) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Currently there are 931 denominational places and 665 non-denominational places in the Heathfield area. Should Broad Oak close the number of non-denominational places would reduce to 525.

c) What is the proposal, project or service's impact on the people with different religions and beliefs?

Some pupils currently at Broad Oak, which is non-denominational, might be offered places at denominational schools in the local area.

A number of respondents stated that there would be an imbalance of non-denominational provision in the area if Broad Oak were to close. They state they would be unhappy with a denominational education for their children, referencing the Human Rights Act 1998 which states that parents have a right to ensure that their religious and philosophical beliefs are respected during their children's education. Parents argue that the same should apply to those that do not wish to have a religious education.

d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

All non-denominational state funded schools in England have to provide collective worship of 'a broadly Christian character'. Denominational schools will provide worship in accordance with the trust deeds related to the school. The Diocese of Chichester Board of Education recognises 'that Church schools serve the whole community and are not exclusive to worshipping families'. Parental preference would be considered where possible when allocating alternative school places to pupils at Broad Oak but parents do have the right to have their children excused from worship in any state funded school, whether denominational or non-denominational.

The three non-denominational schools in the Heathfield area other than Broad Oak (Parkside, Punnetts Town and Maynards Green) currently have 10 spare community school places between them. Other community schools are available in the wider area surrounding Heathfield, for example in Hailsham where a number of pupils on roll at Broad Oak live.

e) Provide details of any mitigation.

N/A

f) How will any mitigation measures be monitored?

N/A

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County/District/Borough?

The local authority does not consider sexual orientation characteristics to be relevant to the proposal.

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

N/A

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

N/A

d) What is the proposal, project or service's impact on people with differing sexual orientation?

N/A

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

4.9 Other: Deprivation

a) How are these groups/factors reflected in the County/District/ Borough?

Reflecting that Wealden is one of the 20% least deprived districts in England, 9.7% of children in the district are living in poverty. This is significantly lower than the proportion for East Sussex as a whole, 16.1% (source: 2019 Indices of Deprivation).

Pupil premium funding is given to schools to address any inequalities and target effective in-school support. Pupil premium funding is given based upon the number of pupils from low-income families who are currently known to be eligible for free school meals or have been eligible over the last six years (Ever6FSM). Also pupils who are / have been looked after by the local authority.

According to the January 2019 school census, 23.1% of pupils in East Sussex (21.5% in primary schools) are Ever6FSM. 14.9% of pupils in Wealden District (13.4% in primary schools) are Ever6FSM.

b) How is this group/factor reflected in the population of those impacted by the proposal, project or service?

22.2% of pupils attending Broad Oak are Ever6FSM which is broadly in line with the East Sussex average.

c) Will people within these groups or affected by these factors be more affected by the proposal, project or service than those in the general population who are not in those groups or affected by these factors?

Pupil premium funding is attached to the pupil and so the additional funding would be available to any new school that the pupil attends. Therefore, it is not considered that a change of school would have a disproportionate impact on these pupils.

Attainment for FSM pupils is difficult to compare across schools due to the very small cohorts. As would be expected for this cohort at Broad Oak and all the alternative schools, some FSM pupils attain at the expected standard or above and some do not.

d) What is the proposal, project or service's impact on the factor or identified group?

Families of pupils eligible for pupil premium may be disproportionately affected by additional costs for travel or a new uniform.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

Free transport would be provided to eligible pupils.

There is no uniform grant from the local authority, however, many schools make special arrangements for pupils entitled to Free School Meals and many schools sell second hand uniforms at low prices.

f) Provide details of the mitigation.

The local authority and affected schools have a duty to support appropriate transition arrangements and the local authority would take all practicable steps to ease the transition for pupils, most especially for vulnerable learners, including those who are Ever6FSM. Should Broad Oak close the local authority is confident that teaching staff at other schools would manage the transition of any pupils to their new school. These circumstances are not unusual in that schools regularly manage in-year admissions, though it is recognised that there would be a

significant number of pupils making the transition at any one time, including a number of pupils from the Ever6FSM cohort. Therefore additional support would be in place for the transition arrangements as detailed below.

Should the proposal be implemented the local authority would work with pupils, their parents and the relevant schools to make appropriate transition arrangements for pupils. Relevant families would be consulted about any specific potential impacts on individuals; for instance, because of a loss of support networks, and the local authority would ensure that appropriate individual arrangements are made where this is necessary to avoid potential adverse impacts.

All schools have a duty to ensure appropriate provision for pupils who are Ever6FSM and schools receive specific funding (the pupil premium) to support these pupils. Transfer to a larger school could potentially provide more flexibility of resource to support pupil's needs.

g) How will any mitigation measures be monitored?

The local authority would closely monitor the transition of the pupils to their new schools through regular monitoring arrangements already in place.

All schools have to report on the outcomes of all pupils, including those who are Ever6FSM. The local authority will continue to monitor the outcomes at all schools for these pupils.

4.10 Other: Community Impact

See Appendix 2 of the Lead Member report for the Community Impact Assessment.

4.11 Human rights - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.**

The local authority considers the proposal to be a proportionate and positive response to the issues that have arisen regarding Broad Oak. It considers that all pupils impacted by the proposal, should it proceed, would be enabled to receive a good quality of education. The local authority does not consider that the proposal potentially interferes with a human right.

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5: Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

5.2 Impact assessment outcome Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
x	A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	The proposed closure of Broad Oak is appropriate on the basis of concerns over the long term viability of the school, in relation to its predicted ongoing budget deficit, the high number of surplus places at the school and in the area, its location in relation to demand arising from local pupil numbers and the quality of education.
	B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	Pupils currently attending Broad Oak would be guaranteed a place at another primary school. All other local primary schools have higher Ofsted ratings and are required by law to provide the same level of support for vulnerable pupils.
	C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate	Any potentially negative impact on pupils, including those with SEND who are over-represented in the cohort and those who are Ever6FSM, would be mitigated by the local authority working with the new schools to put in place effective transition arrangements. No particular group of pupils should be affected more than another.
	D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.	Free home to school transport would be provided for eligible pupils. The majority of pupils at Broad Oak live nearer to an alternative school. The local authority acknowledges that some pupils living in Broad Oak might face longer journeys to and from an alternative school each day. However, for the majority their nearest alternative school is within statutory walking distance.

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

The local authority has a clear schedule for regular monitoring of schools and the outcomes achieved by all pupils, including outcomes for those with SEND and Ever6FSM and boys/girls.

5.4 When will the amended proposal, proposal, project or service be reviewed?

n/a

Date completed:	February 2020	Signed by (person completing)	Gary Langford
		Role of person completing	Place Planning Manager
Date:	February 2020	Signed by (Manager)	Fiona Wright Assistant Director, Education and Inclusion, Special Educational Needs and Disability

Part 6: Equality impact assessment action plan

If this will be filled in at a later date when proposals have been decided please tick here and fill in the summary report.

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

Page 92	Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)

Page 93

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