

Report to: Lead Member for Education and Inclusion, Special Educational Needs and Disability

Date of meeting: 23 December 2019

By: Director of Children's Services

Title: Proposed closure of Broad Oak Community Primary School

Purpose: To report on the outcome of the consultation on the proposed closure of Broad Oak Community Primary School and to recommend next steps.

RECOMMENDATIONS

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

1 Background and consultation process

1.1 A review of primary school provision in East Sussex was undertaken by the local authority during the 2018/19 academic year. The review identified significant concerns about the viability of Broad Oak Community Primary School (Broad Oak) 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. As a result of the review the Lead Member for Education and Inclusion, Special Educational Needs and Disability (the Lead Member) gave approval on [24 June 2019](#) for the local authority to commence a consultation on the proposed closure of Broad Oak.

1.2 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 consultation began 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 eight were during term time. A copy of the consultation document can be viewed in **Appendix 1** of this report.

1.3 The local authority consulted pupils, parents and carers, staff and trade unions, the governing board and other local school communities. The local authority also consulted 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.

1.4 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. The Q&A is provided in **Appendix 2**.

1.5 A significant number of questions and requests for information were received prior to the consultation formally opening. These were addressed through the Q&A on the consultation hub.

1.6 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 consultant headteachers. The responses from the pupil engagement session are available for elected members to view in the Cabinet and Members' rooms.

2. Analysis of consultation responses

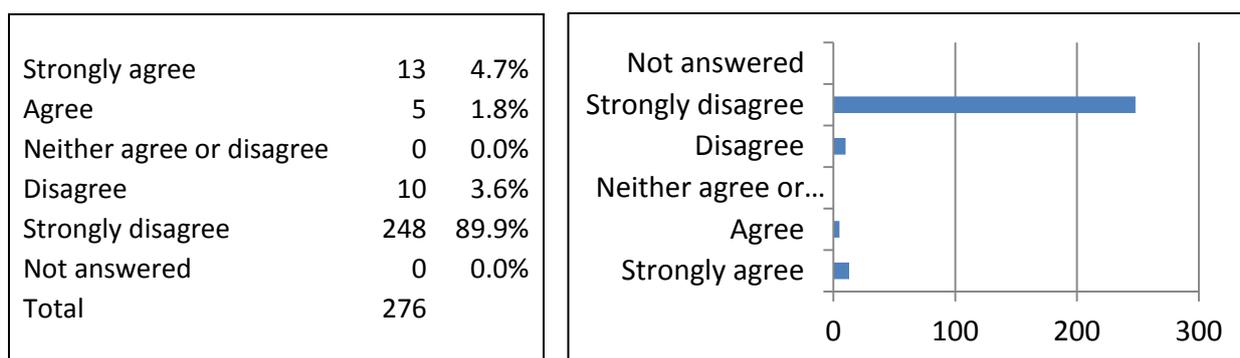
2.1 By the end of the consultation period a total of 293 responses had been received, 276 via the consultation hub and 17 by letter or email to the consultation inbox. A number of individuals also emailed elected members and officers separately and in some cases on more than one occasion. Some respondents 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.

2.2 One response was received after the consultation period closed. This has not been taken into account in the analysis below.

2.3 A petition containing 138 signatures objecting to the proposed closure of Broad Oak was submitted before the end of the consultation period. A further petition on the [local authority's website](#) is ongoing and closes on 31 December 2019. At the time of writing it contained 1,230 signatures.

2.4 Feedback was overwhelmingly in support of keeping the school open.

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

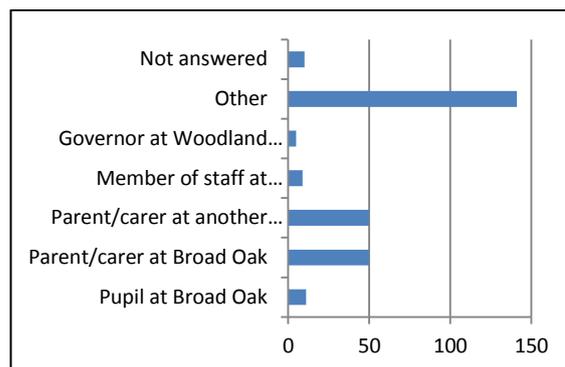


2.6 It would appear from the comments received that 7 of the 13 respondents, identified in the table above, who ticked 'strongly agree', actually disagree with the proposal and simply ticked the wrong box. This would take the total number of objections to 265 or 96%. It is clear that respondents who chose to email and write letters also object to the proposal.

2.7 Respondents who agree that the school should close number 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.

2.8 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	



2.9 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.

2.10 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.

2.11 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. Respondents to the consultation were asked to provide personal information, including information about protected and other characteristics in order to analyse the equality implications of the proposal and to identify appropriate mitigations. The Equality Impact Assessment is attached at **Appendix 3**. Some respondents chose not to provide personal information.

3. Key themes and considerations

3.1 A number of key themes and considerations arose from the consultation responses. These are provided below, along with the local authority's response to each point.

3.2 Pupil numbers and capacity in local schools

A significant number of respondents argued that there would be insufficient capacity in the local schools if Broad Oak closed. The data used in the consultation was taken from the January 2019 school census. At the time of writing, the October 2019 school census had not been released by the Department for Education (DfE). In the absence of this official data set the local authority has used pupil number returns submitted by schools between September and November 2019 to assess, albeit informally, the current capacity at Broad Oak and the surrounding schools.

Provisional 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	13	10	17	6	13	87	140	53	38%
Cross-in-Hand	60	57	37	43	42	56	44	30	309	420	111	26%
Dallington	15	16	13	17	17	18	14	11	106	105	0	0%
Five Ashes	10	10	10	8	7	14	7	7	63	56	0	0%
Mayfield	30	21	21	28	25	21	24	21	161	210	49	23%
Maynards Green	30	30	30	30	30	33	32	30	215	210	0	0%
Parkside	30	30	30	29	31	29	30	30	209	210	1	0%
Punnetts Town	15	15	12	16	12	14	17	10	96	105	9	9%
Totals	230	199	167	190	183	210	180	169	1298	1596	311	19%

Data source: Pupil number returns from schools between September and November 2019.

Pupil numbers at Broad Oak have fallen from 81 in January 2019 to 52, with surplus places increasing to 63%. 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 numbers.

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.

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 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.

The provisional pupil numbers in 2019/20 (approximately 1,298) are lower than the numbers projected when the forecasts were finalised in July 2019 (-19). Were Broad Oak to close, the combined PAN in the area would reduce to 210 and capacity would fall to 1,456. It is clear from the information above that there would be sufficient places in the surrounding schools to accommodate displaced pupils from Broad Oak. Based on the provisional pupil numbers in 2019/20 surplus places in the area would reduce from 19% to 11%, still well above the level recommended by the National Audit Office.

3.3 Preference for non-denominational school provision

A number of respondents stated that there would be an imbalance of non-denominational provision in the area if Broad Oak were to close. Currently there are 931 faith based places and 665 non-denominational places in the area. If Broad Oak closed this number would reduce to 525. A number of parents and carers have stated that they would be unhappy with a faith based 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.

It is important to note that 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". Faith schools will provide worship in accordance with the trust deeds related to the school. 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.

This is addressed in the Equality Impact Assessment.

3.4 Inaccuracies in the data provided and links to housing

Many respondents challenged the data that was provided in the 24 June 2019 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.

This is addressed in the Equality Impact Assessment.

Respondents also criticised the lack of comparative data and the local authority's perceived unwillingness to share data on other schools considered as part of the area reviews in response to FOI requests. The local authority took the view that some data about individual schools was considered commercially sensitive and should not be shared as there was a risk that sharing data could negatively impact on or potentially destabilise other schools.

3.5 Impact on pupils

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 and that no other school has similar care suite facilities. The school has a higher percentage of pupils identified with SEN (21.7%) than the East Sussex primary school average (13.5%).

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 SEN is down to individual schools in consultation with parents and the threshold varies between establishments. All schools have the same duties under the Equalities 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 barriers to learning, that a pupil with SEN 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 SEN if appropriate adjustments are put in place to enable them to overcome barriers and to make progress in line with their peers.

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

Should Broad Oak close it is proposed that, for admissions purposes, the Heathfield schools community area would be extended to incorporate the Broad Oak community area. Parents and carers of pupils at Broad Oak 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/>

On 4 November 2019 the Lead Member gave approval for the local authority to consult on a proposal to expand the Heathfield primary school's community area to encompass the area currently served by Broad Oak. This is to ensure that, should Broad Oak close, children living in the Broad Oak community area would be able to access a local school.

Many respondents also referenced the impact of the proposed closure on the mental health and wellbeing of pupils, parents and carers and staff. Local authority support is available to schools, pupils and their families for mental health and emotional wellbeing as set out in **Appendix 4**.

3.6 Quality of educational provision

Quality of education provision in the area was raised by some respondents.

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 the school in recent years for teaching and learning and 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 Broad Oak received the first of its two Requires Improvement judgements, pupil numbers were at or close to the school's capacity of 140. Between 2016 and 2019 numbers declined to 81. Since the start of the current academic year pupil numbers have fallen further to 52; the consultation on closure has contributed to this latest reduction.

A section 8 monitoring visit was undertaken at Broad Oak by Ofsted HMI on 8 October 2019, three days before the end of the consultation period. 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.*”

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

In addition, some respondents referenced the annulment of the summer 2019 Year 6 SATs results at Maynards Green Community Primary School (Maynards Green), and the impact this may have on the current ‘Outstanding’ status of the school and pupil movement.

In terms of Maynards Green, schools have a statutory responsibility to administer the SATs at the end of Key Stage 2 in line with the *Key stage 2: Assessment and Reporting Arrangements* (ARA). The local authority has a statutory responsibility to provide training for schools and then monitor the administration of a sample of the tests. The local authority provides annual training for all schools.

Section 4.1 of the ARA makes clear that it is the responsibility of the headteacher to ensure that tests are kept securely and administered appropriately. Heads are also expected to complete the headteacher’s declaration form after the test week to confirm that the tests have been carried out in accordance with statutory regulations and guidance.

The ARA guidance states “Where headteachers do not comply with the provisions of this ARA and other published guidance this could result in the school being investigated for maladministration.”

Where possible maladministration is identified both the school and the local authority have a responsibility to advise the Standards and Testing Agency (STA). The STA will review the advice it receives and lead and manage any investigation into the possible maladministration of tests that they consider is required.

The STA investigated the administration of the tests at Maynards Green Community School and formally reported its findings to the school on 28 August 2019; the local authority was copied into the letter.

The local authority is now supporting the school to consider the follow up actions required and will support the school to ensure the processes are sufficiently robust to maintain the integrity of the tests for this academic year. There has been no noticeable pupil movement away from the school since the announcement that its Key Stage 2 test results for 2019 have been annulled.

3.7 Impact on the community

Significant concern was raised about the impact closure would have on the local community. Examples include:

- The local shop which would suffer from a reduction in passing trade
- The potential loss of families with young children moving into the village
- That the village hall and the pre-school which operates from it would be at risk
- The loss of community by the lack of school events to which local residents are welcomed
- Impact on traffic and the environment of children having to travel by car to their nearest alternative school
- The community defibrillator is located at the school

These issues are addressed in the Community Impact Assessment in **Appendix 5**.

3.8 Presumption against the closure of rural schools

Respondents argue that the local authority has ignored the presumption against the closure of rural schools and believe it is illegal to close a school on financial grounds. Finance is not the sole reason for the proposal closure of Broad Oak; it is one of a number of key reasons. The Department for Education (DfE) statutory guidance '*Opening and closing maintained schools*' November 2019 (the guidance) states that a school can be closed if it is no longer considered viable.

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 have been considered by the local authority and are addressed in **Appendix 6**.

3.9 School site

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, as 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 current planning policy documents.

The original school building and school house were built in the early 1900s. A modest extension was added to the main building in the early 2000's. Three (60%) of the school's five classrooms are situated in temporary buildings. The school has a very small hall space

which does not meet the standards set out in the DfE's *Building Bulletin 103: Area guidelines for mainstream schools* for PE and dance, assemblies, performances, parents' evenings and dining. It is recognised that a number of rural primary schools are in a similar position to Broad Oak in not meeting the area guidelines. The site is sloping with various steps inside the building and in the grounds. Ramps have been provided to access some classrooms and the care suite.

3.10 Impact on travel arrangements

Impact on travel arrangements is a key consideration when proposing the closure of rural schools. Respondents raised concerns about traffic congestion in Heathfield, increased car usage and the impact on the environment. However, as the majority of pupils attending Broad Oak live outside of the school's community area they are likely to already face journeys to and from school each day.

Latest analysis shows that of the 35 Reception to Year 5 pupils likely to be affected by the proposal, approximately 57% live nearer/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. The local authority currently estimates 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 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 a noticeable increase in car usage. To the contrary, it would be hoped that car usage would reduce.

3.11 Budget position

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

Despite respondents referencing the budget deficit, no plans have been forthcoming from the governing board in terms of how the deficit can be addressed. At the time of writing the information on the Go Fund Me website indicates £720 has been raised of the school's £100,000 target. 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.

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 budget might have been between £370,000 and £375,000 based on pupil numbers built into the school's budget plan, the likelihood is that the budget 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 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.

4. Alternative options

4.1 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:

- **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.

4.2 A number of alternative options to closure have been suggested by respondents to address the challenges the school faces. These are set out below and have been categorised according to the following headings.

4.3 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 (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.

4.4 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.

Local authority response: This option would not reduce surplus places in the area or address the challenges the school faces.

- 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.

4.5 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.

5. Area review criteria

5.1 The criteria used during the area reviews to identify schools potentially at risk included:

- 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 preference for schools
- Premises

5.2 The key factors relating to Broad Oak were 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.

5.3 While the recent section 8 monitoring visit found that Broad Oak is taking effective action to tackle the areas requiring improvement identified at the recent section 5 inspection, the other key factors that led the local authority to identify Broad Oak as a school at risk remain. This is borne out by the lack of response from the governing board of the Woodlands Federation to address these issues in the consultation process.

6. Summary and conclusion

6.1 The consultation responses 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. No solutions or actions have been identified in the consultation process to address these critical issues.

6.2 While recognising the level and nature of objection to the proposal, the case for the closure of Broad Oak continues to be strong. The local authority therefore recommends to the Lead Member that approval is given to publish a statutory proposal for the closure of the school on 31 August 2020.

6.3 If approved, it is intended to publish the statutory proposal on Friday 10 January 2020. The proposal would be published on the local authority's website; a brief notice containing the website address would be published in the local newspaper (in this instance the Sussex Express). Publication of the proposal would trigger a four-week period of representation when interested parties can make further comment on the proposal. It is anticipated that a final decision on the proposal would be taken by the Lead Member in March 2020.

STUART GALLIMORE
Director of Children's Services

Contact Officer: Gary Langford, Place Planning Manager
Tel. No. 01273 481758
Email: gary.langford@eastsussex.gov.uk

LOCAL MEMBERS

Councillor Bill Bentley

APPENDICES

- Appendix 1 – Consultation document
- Appendix 2 – Q&A document
- Appendix 3 – Equality Impact Assessment
- Appendix 4 – Local authority support available for mental health and emotional wellbeing
- Appendix 5 – Community Impact Assessment
- Appendix 6 – Presumption report