

**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.

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**RECOMMENDATIONS:**

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

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**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%
<b>Totals</b>	<b>230</b>	<b>198</b>	<b>166</b>	<b>189</b>	<b>182</b>	<b>213</b>	<b>180</b>	<b>178</b>	<b>1306</b>	<b>1596</b>	<b>301</b>	<b>19%</b>

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%
<b>Totals</b>	<b>230</b>	<b>202</b>	<b>169</b>	<b>190</b>	<b>185</b>	<b>216</b>	<b>182</b>	<b>182</b>	<b>1326</b>	<b>1596</b>	<b>281</b>	<b>18%</b>

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 <sup>st</sup> 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.

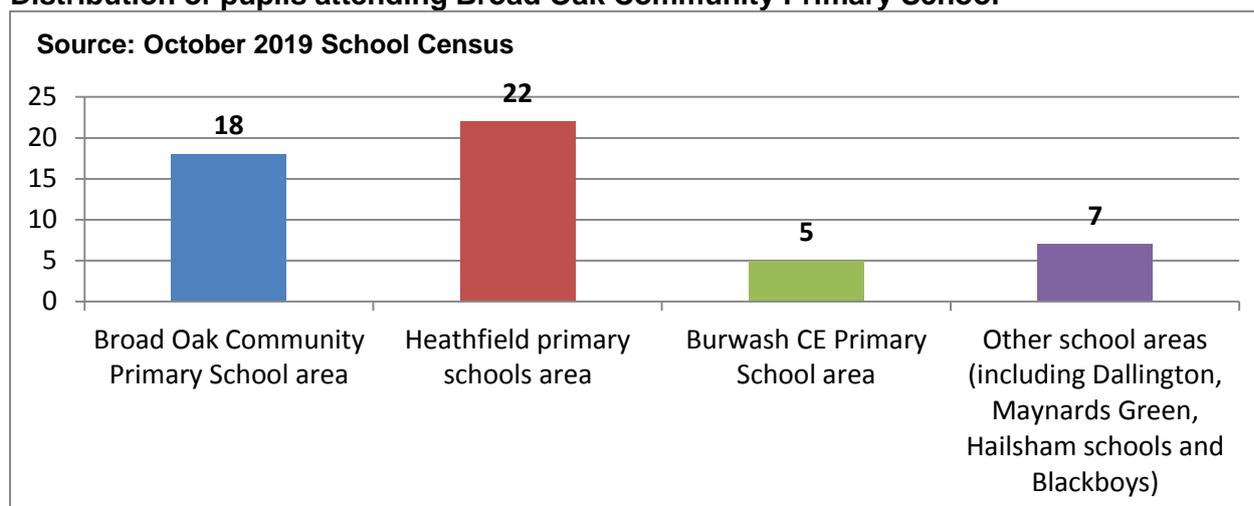
5.2 In the event that a decision is taken to close Broad Oak, the local authority would write to parents and carers asking them to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they 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
<b>One class of approximately 16</b>				<b>One class of approximately 26</b>		

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,

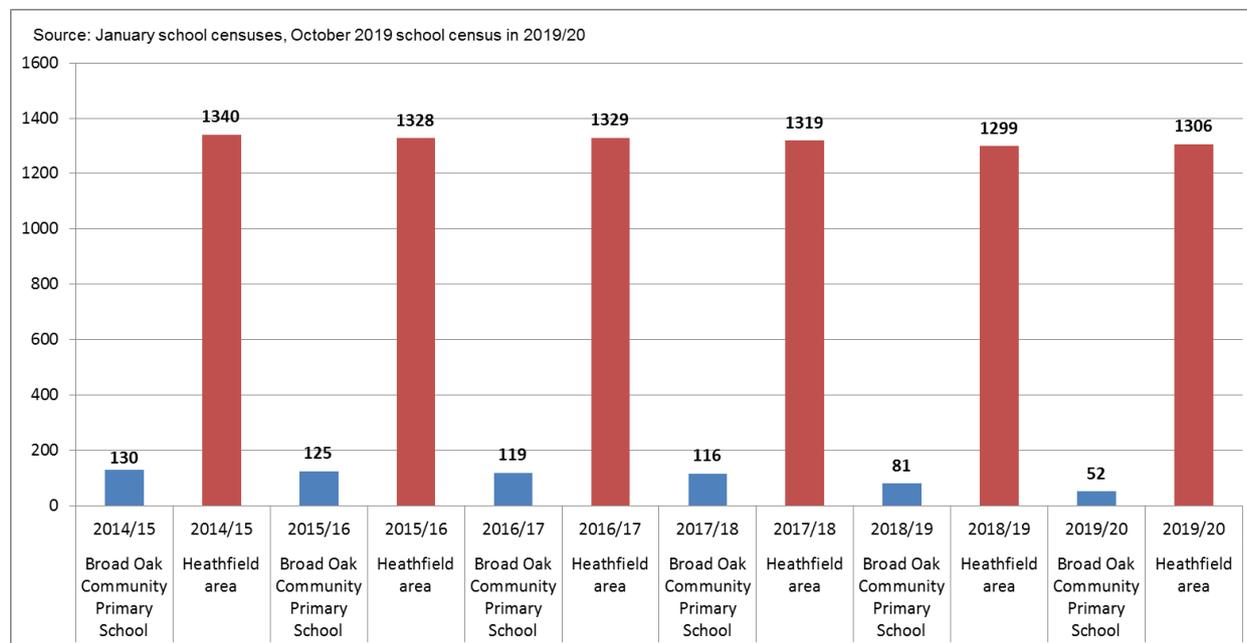
but doing so in two, possibly three schools is, in the local authority's opinion, unachievable. This has the potential for creating significant performance vulnerabilities in each school.

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.

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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