Cath McEvoy
Executive Director of Children's Services
Northumberland County Council
County Hall
Morpeth
NE61 2EF

Office of the Schools Adjudicator
Bishopsgate House
Feethams
Darlington
DL1 5QE

5 September 2018

Dear Ms McEvoy

West Northumberland

Statutory Proposal published 10 May 2018

Case Reference: STP 635

Thank you for the email from Jacqui Pearson, Project Support Officer, dated 9 August 2018 and the additional emails containing further enclosures. The purpose of this letter is to clarify the adjudicator's jurisdiction, to set out some points and queries for response and to make some specific requests for information.

1. The adjudicator accepts the referral of the proposals set out in a statutory notice dated 10 May 2018 and approved by Cabinet on 10 July 2018. His understanding is that this is a valid request for a referral under paragraph 14 of Schedule 2 of the Education and Inspections Act 2006 (the Act). The request was made by the Governing Board of Bellingham Middle School, a foundation school, within the prescribed time limit (four weeks).

2. The governing board of a foundation school are entitled to make a referral under Schedule 2 paragraph 14 (2) (d) as the proposal to close Bellingham Middle School (BMS) was published under section 15 of the Act. When a request for a referral is made Northumberland County Council (the local authority) must refer the proposals to the adjudicator, together with reasons given by the authority for their determination, within one week of receipt of the request.

3. Once the proposals have been referred to the adjudicator he must consider them afresh. Published with the section 15 proposal to discontinue BMS are a number of interrelated proposals to make prescribed alterations to other schools by changing the age range and by enlarging premises. As these proposals are interrelated the adjudicator will consider them together. Paragraph 8 sub-paragraphs (4), (5) and (6) of schedule 2 to the Act apply to any decision made by the adjudicator under these circumstances as they applied to the local authority:

"(4) In any other case, the authority may—

(a) reject the proposals,

(b) approve the proposals without modification, or

(c) approve the proposals with such modifications as the authority think desirable, after consulting such persons as may be prescribed.

(5) Any approval given under this paragraph may be expressed to take effect only if an event specified in the approval occurs by a date so specified; and regulations may prescribe the events that may be so specified.

(6) When deciding whether or not to give any approval under this paragraph, the relevant authority must have regard to any guidance given from time to time by the Secretary of State."

Further Information

The statutory notice

4. The proposals state they were published on 10 May 2018. Please confirm where and when they were published, for example on the local authority's website, local newspapers, and displayed on school premises and the gates of the school. The Adjudicator notes that a statutory notice was published in the Hexham Courant newspaper on 10 May 2018.

5. The proposals refer twice to BMS as a community school. It is a foundation school. It is also described as a community school in consultation documents and Cabinet papers. The Cabinet paper dated 10 July 2018 at paragraph 5 gives a list of those who may "appeal". This list does not include the governing board of BMS, probably because if it was a community school the governing board would not have a right of "appeal". Please provide further information on the nature of BMS' foundation status and any comment on how, if at all, its foundation status affects the decision to discontinue the school.

6. Bellingham First School is also a foundation school. As such it appears that statutory proposals were not required for the change of age range, as was acknowledged to be the case for Wark Church of England First School, which is a Voluntary Aided School. Please provide the local

authorities comments on this point.

7. The statutory proposals include proposals under section 19 of the Act to enlarge the premises of Otterburn First School and Grenhaugh First School. This is to facilitate their becoming primary schools. However, a statutory process is only required when an enlargement of premises would increase the capacity of the school by more than 30 pupils, which does not appear to be the case for either school. Please explain why statutory proposals were considered necessary for this aspect of the proposals.

Guidance for Decision-Makers April 2016

8. This guidance is one of the sets of guidance to which the local authority and now the adjudicator must have regard when making decisions. The guidance sets out matters which must be considered. In that context the adjudicator has a number of queries which are not addressed in the cabinet papers dated 8 May 2018 and 10 July 2018.

Factors relevant to all types of proposals

Consultation

9. Following a report to Cabinet dated 19 December 2017 the local authority initiated a consultation process in two phases. The first was addressed to governing boards and other education professionals and invited responses to a number of issues in the West of the county. The second was more specific, proposing three possible models (A,B & C) and allowing for other possible proposals to be formulated. Taken together these formed Stage 1 of the five stage process for proposals to discontinue a school. The following questions arise.

10. What process was followed to consult parents and pupils?

11. The proposals agreed by Cabinet are significantly different to any of the models set out in Phase 2 of the consultation. The question arises as to whether the consultation bears sufficient resemblance to the final proposals to satisfy the requirements for consultation. The adjudicator would welcome a response from the local authority on this point. Some related points are set out below.

12. The adjudicator notes that Models B & C included the closure of BMS, although not until 31 August 2020. However, in each case this was in the context of either closing Haydon Bridge High School (HBHS) or making HBHS an all-through school for pupils aged 4 to 16 and “merging” Hexham Middle School with Queen Elizabeth High School (QEHS) to create a school for pupils aged 9 to 18. It was also in the context of extensive changes to schools in the Hexham Partnership.

13. The proposal agreed by Cabinet make the Haydon Bridge partnership almost entirely two tier (save for the Haltwhistle schools which are

academies) and make no changes to the current arrangements in the Hexham Partnership. A number of questions arise from this.

a. No schools other than BMS are to close. Models A, B and C all involved the closure of nine or more schools.

b. As a number of responses to the statutory notice have pointed out, the proposals agreed by Cabinet mean that the school to school transfers in the Haydon Bridge Partnership will not co-ordinate with those in the Hexham Partnership. I will refer to this further below but note that this was not an outcome envisaged in the consultation.

Education Standards

14. How will the proposals meet or affect the needs of parents and raise local standards and narrow attainment gaps?

15. HBHS will be the destination for pupils who would have attended BMS in Years 7 and 8. HBHS is a school classified by Ofsted as inadequate and requiring special measures. It first entered this category in 2014 and a full inspection in March 2018 (published 24 May 2018) made the same finding. This gives rise to a number of issues on which the adjudicator would welcome comment:

    a. What is the current status of the academy order made in 2014?

    b. The school has been in special measures for four years. The local authority have recently appointed an Interim Executive Board (IEB), the third IEB in four years and the school's fourth governing body since 2014. Ofsted in 2018 noted that the then IEB wished to step down and observed that "the capacity to secure further improvement is poor".

    c. The latest Ofsted report is not mentioned in the Cabinet report of 10 July 2018. The cabinet report dated 8 May 2018 states that the local authority will appoint an IEB to HBHS and the school will continue as a maintained school for at least three years or until the RSC can broker an appropriate sponsor. Is this agreed with the RSC? What is the local authority's understanding of the current position of the RSC? What will happen after three years if an appropriate sponsor is not found?

    d. How many pupils are starting at HBHS in Years 7 and 9 in September 2018? What is considered the likely effect of the proposal on pupil numbers?

    e. Has the viability study requested by the RSC in December 2017 been carried out? If so please provide a copy or, if more than one viability assessment has been carried out, copies of each.

    f. Is HBHS sufficiently robust to satisfy a decision maker that it has

"sufficient capacity to accommodate pupils displaced in the area, taking into account the overall quality of provision, the likely supply and future demand for places"?

Community Cohesion

16. What will be the impact of the proposal on community cohesion?

Travel and accessibility

17. A large number of responses to the statutory notice raise issues with transport. The Cabinet paper dated 10 July 2018 refers to travel at paragraph 17.1 and the Cabinet paper dated 5 May 2018 at paragraph 22. Can the local authority provide further information on the issues raised by those responding and the points set out under this heading in the guidance, including the length of journeys for pupils in Years 7 and 8 and the age range on school buses?

Factors relevant to discontinuance

Rural Schools

18. It is noted in paragraph 22 of the cabinet report dated 10 July 2018 that "*Cabinet will need to give consideration to the impact of closure of [BMS] within this context*". What does the local authority consider are the relevant factors here?

Responses to consultation

19. A number of responses make the point that the proposals will, in their view, limit parental choice. This, they say, is because the two tier system to be introduced in the Haydon Bridge Partnership will be out of synch with the three tier system in the Hexham Partnership. They say that this will effectively make HBHS the only choice for parents. Can the local authority comment on this point?

20. A number of the responses to the statutory notice are emails which state that letters are attached but the letters don't appear to be included in the documents sent to the adjudicator. Please provide copies of the attached letters from the following:

    a. STARS

    b. Neil Traill

    c. Kimberley Wright

    d. Lorraine Bell

    e. Corsenside Parish Council

    f. Joyce Knudson (the "overview and projections" PDF)

g. Kim Bull

Further information

21. In addition to the information sought in the paragraphs above the adjudicator would be grateful for the following further information:

    a. What are the figures for pupils entering Year 7 at BMS in September 2018?

    b. The Cabinet paper dated 8 May 2018 at the end of paragraph 23 refers to “potential for the release of school sites”. Which school sites could be released? Is it anticipated that this will generate capital funds?

    c. Can the local authority provide any further information, additional to that set out in the Cabinet papers dated 8 May and 10 July 2018, on the reasons why the proposal contains no changes to the schools in the Hexham Partnership and no school closures?

    d. Please provide a copy of the record of the decision of Cabinet on 10 July 2018.

    e. Cabinet modified the proposal by deciding that West Woodburn First School would not become a primary at this stage, for reasons set out in the Cabinet paper. Where will pupils at West Woodburn First School go for Years 5 and 6 if the proposals are implemented?

    f. Please provide a copy of the Department for Education letter referred to in paragraph 14.1 on page 60 of the Cabinet paper dated 8 May 2018.

    g. Can the local authority provide data for QEHS (an academy)? If so please provide the anticipated numbers in each year group for September 2018.

    h. Please provide brief details of the school reorganisation in 2013/2014 which led to the closure of Allendale Middle School and the increase in the age range of HBHS. Were there other prescribed alterations and/or school closures at this time?

    i. Paragraph 14.3 of the Cabinet report dated 8 May 2018 states that the proposal would reduce surplus places in the Haydon Bridge Partnership by 645. Please provide details of how this reduction would be achieved.

Meeting

22. The adjudicator will hold a meeting or meetings early in the autumn term and interested parties, including the local authority, will be invited to attend. Further details regarding arrangements

will be sent out in the near future.

The local authority are requested to respond by 22 September 2018.

Yours sincerely

Karen Littlefair
Tel: 01325 340639
Email: Karen.Littlefair@osa.gsi.gov.uk