

SURREY COUNTY COUNCIL**CABINET****DATE: 8 MAY 2018****REPORT OF: MRS MARY LEWIS, CABINET MEMBER FOR EDUCATION****LEAD OFFICER: ROSE DURBAN
STRATEGIC DIRECTOR CHILDREN, SCHOOLS AND FAMILIES****SUBJECT: PROPOSAL TO CLOSE GREEN OAK COFE PRIMARY SCHOOL
AND NURSERY****SUMMARY OF ISSUE:**

Green Oak CofE Primary School and Nursery received an inadequate Ofsted judgement in January 2017. As set out in the Education and Adoption Act 2016, the school subsequently received a Directive Academy Order from the Department for Education's Regional Schools Commissioner (RSC). The effect of the Order is that the school must be placed within a multi-academy trust (MAT) to secure its future. No appropriate MAT had been identified by the RSC and the Diocese of Guildford to take the school forward. In line with the statutory guidance 'Schools Causing Concern' February 2018, it was necessary for the Council to undertake consultation on the future provision of the school.

The Cabinet Member is asked to review the summary of the evidence in the report, the consultation summary and the consultation responses; and determine whether to proceed with the publication of statutory notices.

RECOMMENDATIONS:

It is recommended that:

- Statutory notices to close are not published.
- The proposal to close the school is halted whilst further options that have arisen during the informal consultation process are fully explored.

REASON FOR RECOMMENDATIONS:

- During the informal consultation, further options for the future of the school have arisen which require further time to be fully explored.
- Outcomes for children at the school are improving. This is demonstrated through year 6 2017 outcomes comparative to 2016, the intervening Ofsted Monitoring Report and progress so far in the current academic year.
- The numbers of children on roll at the school will help to maintain its future viability.
- The places are required to meet future demand for school places. Closing the school would result in a significant capital cost to the Council for re-providing the places at alternative settings

<u>DETAILS:</u>

Background

1. Green Oak CofE Primary School and Nursery is a voluntary aided school with a Published Admissions Number (PAN) of 30. The School is maintained by the Local Authority in partnership with the Diocese of Guildford. The school includes a maintained nursery with 10 places. The Wharf Children's Centre is co-located on the school site.
2. The school is situated in the town of Godalming with a population of 21,645 (2011 Census). Pupils tend to reside close to the school with two thirds residing within half a mile of the school. The town is served by a number of primary phase schools – all through, infant and junior.

The proposal

3. The proposal was that Green Oak CofE Primary School and Nursery should close with effect from 31 August 2018.

Reasons for the proposal

4. The school received an inadequate Ofsted grading following an inspection on 31 January 2017. This follows a mixed history of Ofsted judgements over the last 15 years ranging from Good to Requires Improvement. Previously St Mark's CofE Primary, the school was rated 3 (satisfactory) by Ofsted in 2001, followed by 4 (inadequate in 2006 and 2008). Subsequently, the school was closed in July 2008, and reopened in September 2008 as Green Oak, initially with infant-aged children only, expanding to primary as children progressed to year 3 and onwards. In 2009 and 2012 the school was judged 2 (good) by Ofsted prior to the more recent inadequate judgement in 2017.
5. Subsequently the school received a directive Academy Order from the Department of Education's Regional Schools Commissioner (RSC) on 6 March 2017. This is in line with the process set out in the Education and Adoption Act 2016 for schools graded as inadequate by Ofsted. This is further set out in statutory guidance published by the Department of Education on 'Schools Causing Concern'. The effect of this order is that the school must be placed within a multi-academy trust (MAT) to secure its future.
6. As Green Oak CofE Primary School is a Church of England voluntary aided (VA) school in the Diocese of Guildford, under the terms of the 'National Memorandum of Understanding' April 2016, between the National Society (Church of England) and the Department of Education; the Diocese and the RSC would need to consider and agree any potential MAT looking to sponsor the school.
7. In order for a MAT to be considered by the Diocese and the RSC, the following minimum criteria would need to be met:
 - Approved as a multi-academy trust by the Department for Education.
 - Established track record of turning around underperforming schools.
 - A strong plan and immediate capacity to effect a turnaround in the school.

- Able to safeguard the religious character of the school, with appropriate church representation on the board of the MAT and the local governing body of the school.
8. Prior to the informal consultation the Diocese and the RSC advised the Council that there was no appropriate MAT to sponsor the school. Therefore the Council was duty bound to consult on closure of the school.
 9. The process for decision making regarding school closures is set out in the Department for Education's statutory guidance 'Opening and Closing Maintained Schools' April 2016. It consists of the following key stages:
 - Informal consultation for a recommended period of 6 weeks.
 - Cabinet Member for Education considers the responses to the consultation and determines whether to proceed with publishing statutory notices together with a further period of statutory consultation.
 - Statutory notices published regarding the nature of the proposal and commencement of a statutory consultation period of 4 weeks.
 - Leader of the Council considers the consultation responses and determines whether or not the school should be closed.
 10. Under current legislation the Academy Order can only be revoked by the Secretary of State, which would then be acted upon by the RSC. Neither the local authority nor the Diocese are able to revoke the Academy Order.

Reasons why the proposal is not recommended

Options for continuing the school

11. During the 'informal consultation' period a number of interested parties expressed interest in supporting the school's future. This has included local support from other schools both maintained and independent. Due to the nature of these expressions of interest, it is hoped that with further conversations with the RSC and the Diocese of Guildford, the school's future can be secured.

Outcomes for children at the school

12. Pupils' achievement at the school has consistently been well below that of their peers nationally for at least the past three years, and has not met the government's floor standards. Outcomes at the end of this academic year are expected to be significantly improved from previous years to be broadly in line with national averages. The rate of progress being made by pupils has accelerated this academic year and is particularly strong in the Early Years Foundation Stage and key stage 1.
13. The Council has supported the school with additional resource focusing on School Improvement. Between 2016 and 2017 over £66,000 of support has been provided to the school. This has included School to School Support, Leadership Support, Curriculum Consultancy, Behaviour Support, Early Years and Personnel Consultancy Support. A further £31,845 was provided to the school last year in the form of intervention funding. This is in addition to the school's standard budget.

14. The table below summarises the progress outcomes for children who completed key stage 2 in the summer of 2017:

	School progress score in reading, writing and maths	Compared to all state schools in England	Local authority average
Reading	-1.3 (2016: -1.3)	average	0.5
Writing	-10.7 (2016: -9.0)	well below average	-0.3
Maths	-4.0 (2016: -7.9)	well below average	-0.3

15. The following table shows the percentage of pupils meeting the expected standard who completed key stage 2 in summer 2017:

	School	England average	Local authority average
Pupils meeting expected standard in reading, writing and maths	38% (2016: 0%)	61%	67%

16. In October 2017 Ofsted undertook a monitoring visit of the school, from which a number of positive statements were received including:

- *Leaders and those in positions of governance are working closely with the local authority and diocesan board to rectify the shortcomings identified at the last inspection.*
- *The new headteacher has generated a sense of purpose within the school. After a period of transition, the school is now fully staffed and a new team of leaders and managers is in place. Teaching and support staff are motivated. Together, staff demonstrate a clear and collective aim to improve the school.*
- *The leadership team has injected a sense of urgency into improving all aspects of provision. The action plan to address the weaknesses identified at the last inspection is fit for purpose, but now needs to evolve to reflect the progress already made.*
- *Leaders now have a clear understanding of the quality of teaching and learning. They know where teaching is stronger and where more support is needed. As a result, classroom practice is improving.*
- *The local authority's support has been active in helping move the school forward to its present position.*
- *Good-quality support from the headteacher of another local school has also been well received by leaders.*

17. A further monitoring visit has been undertaken by Ofsted on 24th and 25th April 2018. The report is not yet available; however, it is anticipated that the outcomes are likely to be positive.

18. The school continues to remain under the direction of the Academy Order issued in the preceding March.

Future viability of the school

19. Green Oak CofE Primary School and Nursery currently provides 210 places for years R to 6, with 30 places available in each year. The school is consistently not full and numbers have declined recently mainly due to the uncertain future of the school. The following table shows the numbers on roll at the school over recent years from the January census, the number of surplus places (unfilled) and their financial impact, together with the corresponding Ofsted outcomes:

Year	Number of pupils on roll	Number of surplus places (based on PAN of 30)	Estimated impact of surplus places on school revenue funding (based on average of £3,000 per vacant place per year)	Ofsted Grading
2007/08	83 (+15 in nursery) Up to age 10	127 (based on 7 year groups, last year as St Mark's Primary)	£381,000	4/inadequate, May 2008 Under interim HT
2008/09	29 (+15 in nursery) Up to age 6	61 (based on 3 year groups, first year as Green Oak Primary)	£183,000	2/good, July 2012 Under Executive HT
2009/10	43 (+26 in nursery) Up to age 7)	77 (based on 4 year groups)	£231,000	
2010/11	58 (+24 in nursery) Up to age 8)	92 (based on 5 year groups)	£276,000	
2011/12	88 (+25 in nursery) Up to age 9	92 (based on 6 year groups)	£276,000	2/good, June 2012 Under previous Executive HT
2012/13	121 (+25 in nursery)	89 (full primary)	£267,000	
2013/14	132 (+24 in nursery)	76	£228,000	
2014/15	129 (+13 in nursery)	81	£243,000	
2015/16	128 (+24 in nursery)	82	£246,000	
2016/17	140 (+14 in nursery)	70	£210,000	4/inadequate, January 2017 Under subsequent HT
2017/18	94 (+10 in nursery)	116	£348,000	New HT in place

20. Where pupil numbers decrease, a higher proportion of a school's revenue funding has to be dedicated to staffing budget, consequently putting pressure on other areas of the school's budget. Class bases must be maintained when pupil numbers are low which schools often manage through vertical grouping (merging of two year groups), as is currently the case at the school.

21. Although this shows that keeping the school open is likely to be costly whilst numbers on roll are relatively low, this must be balanced against the cost of needing to reprovide the places elsewhere if the school were to close.

22. Data from the past four school census data collections, including the Nursery, further demonstrates how numbers have fallen in each year group, although the decline has reduced and numbers have been stable between October 2017 and January 2018:

		Nursery	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Academic year 2016/17	October 2016	14	24	23	27	20	25	14	16	163
	May 2017	18	23	15	22	13	23	12	16	142
Academic year 2017/18	October 2017	8	12	14	13	16	11	18	11	103
	January 2018	10	12	14	13	15	11	18	11	104
Difference between Oct 16 and Jan 18		-4	-12	-9	-14	-5	-14	4	-5	-59

23. The current numbers of pupils on roll are shown in the table below (as of 20/04/2018). There has been a small decrease since the consultation on the future of the school commenced but numbers have remained relatively stable on the whole:

Year group	Nursery	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Number on roll	10	12	11	12	14	9	14	11	93

24. Applications for reception places indicating preferences for the school have decreased over recent years, impacted upon in part by the Ofsted judgement and by the uncertainty of the school's future. The following table shows the numbers of preferences for the school received by the application closing date for each of the past three years:

	For September 2016	For September 2017	For September 2018
1st preference	19	10	8
2nd preference	1	3	4
3rd preference	7	6	3
4th preference	6	2	3
Total preferences	33	21	18

Future pupil place planning

25. Current projections for future demand of school places indicate that if Green Oak was to close, places would need to be re-provided in the local area.

26. The projections for school places incorporate forthcoming residential developments through data from Waverley District Council. This is updated every year. The current projections for the next 10 years incorporate the following numbers of new housing units in wards in and around Godalming:

Ward	New housing units	Time period
Ockford	280	Majority within 3 years
Farncombe	95	Over next 10 years
Holloway Hill	76	Over next 10 years
Binscombe	127	Over next 10 years
Milford	278	Over next 10 years
Bramley / Busbridge	87	Majority within 1 year
Charterhouse	83	Over next 10 years

27. Including the children likely to be yielded from the new housing above, projections show that the school places lost if Green Oak were to close would need to be re-provided in the local area. The Council has undertaken work to

identify if this is possible. This has concluded that there are options to expand other schools in the local area if Green Oak were to close. However, this would be a significant cost to the Council.

28. Waverley Borough Council's draft Local Plan has been reviewed by the Inspector appointed by the Minister for Housing, Communities and Local Government and consequently a number of modifications have been made. These include removal of land from the Greenbelt between Aaron's Hill and Halfway Lane in Godalming. This site is within close proximity to Green Oak CofE Primary School. Removal of the site from the greenbelt could result in around 280 new homes being built over the next 8 years subject to planning permission. It is also important to note there is a possibility that land adjacent to this site, within Guildford Borough Council boundaries, could also be released for future development of around 180 homes subject to the review of Guildford's draft local plan later this year. These would be in addition to the housing numbers above and would add additional pressure on demand for school places.
29. The Council will continue to monitor the projected need for future places including any further impact of Waverley District Council's Local Plan, and propose changes if required to ensure a sufficient number of places are available.

Early years provision

30. If the school was to close, the existing nursery provision on the site would also close as it is maintained provision and part of the school. There are currently 10 children attending the nursery class. The Council's Early Years Commissioning Team have carried out a review of sufficiency of places in the area and the potential impact of closure of Green Oak CofE Primary School and Nursery. That has concluded that the early years places currently at the school would need to be reprovided to ensure sufficient provision, which would be a cost to the Council.
31. The Wharf Children's Centre is also co-located on the site. This would be reviewed if the school were to close.

Impact of potential closure of the school

Displaced pupils

32. If the school were to close, primary consideration would need to be given to protecting the learning of existing pupils, in securing appropriate education at another setting, and to ensuring sufficient numbers of school places in the local area in the future.
33. If the process continues to the next stage and the Leader subsequently determined to close the school, the Council would guarantee the offer of appropriate ongoing education placements for all existing pupils. Offers would be sent out to all pupils on roll at the school following the decision. Offers would be mindful of families with siblings and the Council would endeavour to offer places in the same school where possible, although this cannot be guaranteed. Assistance with transport to alternative schools and with uniform costs would also be considered for pupils on roll at Green Oak at the time the decision is made.

34. With the current numbers on roll, children in the infant classes could be accommodated in other local schools which have vacant places. However, it may be necessary to provide additional junior places in September, which would incur a capital cost to the Council. It is also recognised that the current year 5 moving into year 6 in September, will only be in their new school for one year before another move to secondary school and will be undertaking SATS at the end of that year. Therefore they may benefit from being offered the option of moving to one school together to retain friendship groups for that one year. Officers are monitoring the numbers on roll at the school and the vacancies at schools in the local area to anticipate the likely need for additional places if the decision is taken to close the school.
35. For many families residing close by to Green Oak, travel to alternative schools would be longer and could be more difficult. Ockford and Aaron's Hill residential areas are situated with Green Oak at the top of a steep hill which could be difficult for some families walking to other schools with young children. There is limited public transport, which we understand is already crowded at peak points in the day. Some families have a high number of siblings, which by virtue of their ages and the mainly split infant and junior provision at other schools in the town, would mean parents/carers may have to transport a number of children to different schools. Although, some of the schools do already work closely together to provide staggered drop-off and pick-up times.
36. Parents and carers have the right to express a preference for any school at any time, as may any parent at any other school.

Applications for Reception entry in September 2018

37. For families who have expressed a preference for Green Oak CofE Primary School for September 2018 Reception entry, Surrey County Council has written to each applicant to advise them of the consultation and will advise of any further developments which may affect their application. Applicants in receipt of an offer of a place at Green Oak will also receive a parallel offer for another school in order not to place them at a disadvantage should the school close.

School buildings

38. The ownership of the building and land is split between the County Council and the Diocese of Guildford. There is a covenant on the land restricting its usage to education. If the school were to close, the land would revert to the ownership of the County Council and the covenant would remain. There are no current proposals for the future use of the school site if it were to close.

Costs of implementation

39. If the school were to close, the Council would provide some assistance with travel costs to alternative schools for children on roll at the school at the time of determination subject to eligibility. Some children on roll at the time of determination may need assistance with the additional costs of new uniforms for alternative schools, subject to eligibility.
40. Provision of additional accommodation at other schools to ensure sufficient space for displaced children in September 2018. The cost would depend on the most appropriate option identified (reference paragraph 30).

41. The council has a statutory duty to ensure sufficiency in school places. Current projections indicate places would need to be reprovided in the local area. This would be a significant cost to the Council (reference paragraph 23).
42. If the school were to close, it is anticipated that the early years places at the school would need to be reprovided which would also be at a cost to the Council (reference paragraph 26). Options would need to be looked into for the ongoing provision of The Wharf Children's Centre (paragraph 27).
43. The site would need to be secured if not in use.
44. The financial sustainability of the school if it is to remain open will need to be addressed with the Diocese, the RSC and other potential stakeholders involved in supporting the school. However, the capital costs of reproviding places if the school were to close would be higher.

Consultation

45. The 'informal consultation' was undertaken by Surrey County Council and the Diocese of Guildford on the proposed closure of Green Oak CofE Primary School and Nursery. The consultation process ran from 5 March 2018 to 16 April 2018. The associated documentation was published on the Surrey County Council 'Surrey Says' website and circulated to local stakeholders. Interested parties were invited to return responses to the consultation via a formal consultation response form, included at the end of the consultation document, as well as in an online form.

Responses

46. The public meeting held on 14 March 2018 was attended by approximately 260 people, comprising local residents, parents, school staff and county and borough councillors.
47. In total, 1,129 formal written responses were received during the consultation via the Surrey Says website, post and email. The breakdown of category of respondents is provided below¹:

Respondent Category	Number
Parent of child attending Green Oak	90
Parent of a child that may attend the school in future	71
Parent of a child attending another school	250
Member of staff at the school	28
Governor at the school	0
Local resident	384
Other	407

48. Of the responses received, 1,062 responses disagreed with the proposal (approximately 94%), 35 responses agreed (approximately 3%), and 31

¹ It should be noted that a number of respondents fitted more than one category, making the overall number greater than the 1,129 distinct respondents.

responses classified themselves as 'don't know' in this respect (approximately 3%).

49. There were no discernible patterns in terms of the category of respondents that typically agreed/disagreed with the proposal, with agreement and disagreement being broadly divided amongst the available categories.
50. 161 respondents were either parents of children at the school or parents of children who may attend the school in the future. If the school were to remain open, take up of places by local places would need to increase in order for it to be sustainable.
51. Comments about the proposal (738 in total) can be broadly themed into different areas; these are summarised and responded to in the following sections.

Other school places in the local area

52. The most common issue raised was the availability of other school places in the local area. Many comments were of the view that surrounding schools are *'operating at maximum capacity'* and *'already in high demand and are oversubscribed'*. Many also felt that closing the school would add extra *'pressure'* on other local schools. Approximately 20% of respondents identified this as a main concern (approximately 30% of those who made comments). Of those who classified this as a main concern, approximately 58% identified themselves as parents (this includes those with children attending Green Oak, those who may attend in the future, and parents with children at other schools).
53. There was also the uncertainty of siblings remaining together; which would impact on parents' working and travel arrangements. One comment cited that this would add to the *'pressure of the morning routine'* and another stated it is *'essential'* for siblings to remain together.
54. The Council recognises that this is a concern and is actively engaging with other local schools to ensure sufficiency of places for all pupils, should the school close. There are sufficient vacancies in infant classes in the local area to accommodate the children, however additional provision may need to be provided for some junior year groups.

School's progress

55. Approximately 17% of respondents (26% of those who made comments) remarked on how much progress the school has made since September 2017 and that Ofsted should return to inspect again. It was stated that the school is making *'steps in the right direction'* and that the *'whole atmosphere within the school has changed for the better'*. Some responses cited that *'more time'* was needed for the school to improve further.
56. There were also several comments praising the current Headteacher, the senior leadership team, and the impact they have had on the school in recent months including the *'new Headteacher has brought our school on leaps and bounds'* and *'renewed positivity across the school community'*.
57. Other comments included *'Green Oak has turned itself around and improved significantly since September 2017'*, *'let Ofsted return to see the impact of the*

new leadership team', 'the school and dedicated teachers are making significant progress in turning this school around'.

Potential/future housing developments

58. Approximately 16% of responses (25% of those who commented) raised concerns relating to new housing being built in the local area and the developments likely to come forward in the future. In light of this, many respondents felt that the proposed closure is *'short-sighted'* and *'does not make sense'*.
59. Some respondents made reference to Waverley's Local Plan, which outlines the future development planned for the area over the next 15 years. One respondent wrote *'it is only a matter of time before demand for school places increases significantly'*. Many were concerned that more housing in the area would place additional pressure on school places, and that a school is needed to accommodate the increased pupil yield.
60. The Council is aware of impact of this proposal on increasing pressure on school places and recognises that places would need to be reprovided if the school were to close. The Council works closely with the boroughs and districts to establish housing permissions being granted and the number of houses likely to come forward over the next 10 years. This forms part of the School Commissioning Team's forecasts for school place demand and is monitored closely to ensure sufficiency of places across the county.

Community hub

61. A number of respondents felt that the school is a *'vital part'* and *'a pillar'* of their local community. Approximately 14% of the responses (21% of those who commented) referenced impact on the local community as a concern. Beyond education, they felt the school supports families from a *'very diverse community'* and acts as a *'safe place'* for many. Comments were also made about the vulnerability of some families in the area, and how the closure would negatively affect them; some felt they would lose a *'vital support network'*. One comment cited that it would be a *'terrible upheaval for vulnerable children'*.
62. The school site also accommodates a Children's Centre which is a *'very important local resource'* and provides *'invaluable support'* to the local area. The nursery on site was described as a *'serious need in supporting local young families'*. Both facilities were described as a *'vital part of supporting this community'*.

Emotional health and detriment to education

63. Several respondents cited that another area of concern was the impact the closure would have on the pupils' emotional health and education. Some stated that it would be an *'enormous upheaval'* and *'disruptive'* to move to a new school, whilst others made reference to the impact it could have on the parents. Some of the children were described as *'vulnerable'* and closing the school would have a *'detrimental effect on their mental, social and educational development'*.

64. A few comments mentioned the impact the closure could have on children with Special Educational Needs/Disability (SEND). In the event of closure, Surrey County Council's SEND team will work closely with the school and parents of children with an Education, Health and Care Plan (EHCP) to ensure that appropriate, alternative placements are found accordingly.

Failure in historic management

65. Some concerns were raised around the failure of historic management, whether that be through leadership at the school, the Diocese of Guildford or Surrey County Council. Comments were made regarding '*very poor senior leadership appointments*' in the past and the '*lack of support*' from both the Diocese and Surrey County Council. The Council and the Diocese have supported the school and provided a significant amount of additional school improvement support and funding over and above the usual school budget.

Traffic and transport issues

66. Some respondents were primarily concerned about the increase in traffic that would be created from the proposed closure and the transport implications for families having to travel further afield to another school.
67. A few respondents were concerned about the '*extremely bad*' traffic at present in the local area and that the proposed closure will impact this further. One comment raised concern about the safety of pedestrian routes.
68. Comments raised also included concerns about the affordability of transport for families who are unable to drive. Local transport links have been deemed to be '*inadequate*' in the local area. Transport assistance may be provided to those who are eligible under the Local Authority's transport policy.

Other options to be explored

69. Mentions were made to other options which could have been explored, before closure was considered. Suggestions included: combining the current provision with another school, increasing the support at the school to enable progress, finding an alternative Multi-Academy Trust sponsor (regardless of religious character) and reducing the Published Admissions Number (PAN) to 15, rather than the current 30.

The religious character of the Multi-Academy Trust (MAT) sponsor

70. A few responses stated that they preferred any MAT sponsor to take the school forward, regardless of the religious character. One comment described the religious requirement as '*ludicrous*' and another stated that '*a secular school is better than no school at all*'.

General/Other

71. Some respondents felt that this consultation has been a '*tick-boxing exercise*' and that Surrey County Council and/or the Diocese has a 'hidden agenda' in relation to the land on which the school is located. There is an education covenant on the land which restricts its use. No plans have been made for future use of the site.

72. Responses were also received from local Parish, Town and Borough Councils. Comments referenced future housing development in the local area, the impact this would have on school place demand and the transport difficulties some families would face. Many suggestions were made, including: fully exploring the attainment of a MAT sponsor, allow Ofsted to return to fully inspect the school, allow parents and staff adequate time to manage the issues that would arise from the potential closure (such as logistics).
73. On Monday 9 April, a town meeting was held in Godalming in relation to the proposal, chaired by the Mayor of Godalming. Many points arose from the meeting, including: the consultation process has been rushed/insufficient time has been given for proper consideration of the issues, the school could succeed with the right commitments from various organisations, the possibility of another MAT taking on the school, the availability of other school places and housing development in the area.

RISK MANAGEMENT AND IMPLICATIONS:

74. The informal consultation has been completed in compliance with the relevant legislation governing such decisions. Therefore there is no outstanding risk associated with this.
75. There are associated risks whether the decision is taken to halt the proposal or to proceed. Work is being undertaken to mitigate against the risks associated.

Financial and Value for Money Implications

76. If the proposal were to continue, the County Council would need to incur the capital costs of finding alternative places at other school sites and nurseries.
77. In addition, there would be additional costs in supporting displaced children with travel and uniform costs.
78. If the proposal is halted, revenue costs to sustain the school would need to be agreed with the Diocese, the RSC and other potential stakeholders who may be involved in supporting the school.

Section 151 Officer Commentary

79. It is noted that the school places at Green Oak School are required now and in the future, and to close the existing places on this site and reprovide the same number of places elsewhere would be at a significant cost to the County Council.
80. The issue of the financial sustainability of the school would need to be addressed within the schools Dedicated Schools Grant (DSG) allocation from the formula. This cannot be addressed through the formula driven DSG. Any additional revenue requirements for sustainability would need to be sought from the Diocese, the Regional School Commissioner and/or the DfE.

Legal Implications – Monitoring Officer

81. There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision, or has made a commitment to, or has a practice of consulting on the matters under consideration. Such consultation will need to involve those

directly affected by such changes together with relevant representative groups. It will be important that the material presented to consultees provides sufficient information to allow for intelligent consideration and response in relation to the proposals. This information will need to be presented in a way that consultees will understand. The responses to the consultation will need to be conscientiously taken into account when the Cabinet Member makes any decision.

82. In considering this Report, the Cabinet Member must give due regard to the results of the informal consultation as set out in the report and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.
83. In coming to a decision on this issue the Cabinet Member needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet Member to decide.
84. Relevant matters in this context will include the statutory requirements under the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, policy considerations including Schools Causing Concern Guidance for Local Authorities and RSCs February 2018 and the Memorandum of Understanding between the National Society and the Department for Education April 2016, the impacts of the options on provision of school places, the medium term financial plan, the Council's fiduciary duty, any relevant risks, and the public sector equality duty.
85. Section 13 of the Education Act 1996 places a general duty on the Council to secure that efficient primary and secondary education is available to meet the needs of the population in its area. In doing so, the Council is required to contribute to the spiritual, moral, mental and physical development of the community. Section 14 of the Education Act 1996 places a duty on the Council to secure that sufficient schools for providing primary and secondary education are available in its area. There is a legal duty on the Council therefore to secure the availability of efficient education in its area and sufficient schools to enable this.
86. The Council owes a fiduciary duty to its Council tax payers, analogous to that owed by trustees responsible for looking after property belonging to other people. Accordingly in deciding to spend money a local authority must take account of the interests of Council taxpayers who have contributed to the Council's income and balance those interests against those who benefit from the expenditure. It will also need to act in a prudent way having regard to the short and long term consequences of the decision.
87. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

<u>Equalities and Diversity</u>
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88. The potential closure of the school would not create any issues that would require the production of an Equality Impact Assessment (EIA), as it is recognised all members of the school community would be adversely affected as a consequence, not one group alone. However, with admissions criteria for other

settings giving the highest priority given to Looked After Children and pupils on the Special Educational Needs (SEN) register and/or who would benefit from a statement of educational need, vulnerable children would be supported.

89. If the proposal is progress from 'informal consultation' to statutory notices and subsequent statutory consultation, an EIA would be undertaken.

Other Implications:

90. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	Set out below
Safeguarding responsibilities for vulnerable children and adults	Set out below
Environmental sustainability	Set out below
Public Health	Set out below

Corporate Parenting/Looked After Children implications

91. The needs of Looked After Children affected by the proposal would be prioritised through school admission arrangements whereby Looked After Children are the highest criterion.

Safeguarding responsibilities for vulnerable children and adults implications

92. Safeguarding vulnerable children is a high priority in Surrey schools. Schools have considerable expertise in safeguarding vulnerable children and adhere to robust procedures. The school would continue to apply good practice in the area of safeguarding as would any schools involved in providing places for displaced children if the school were to close. Safeguarding is monitored when Ofsted carries out inspections of schools.

Environmental sustainability implications

93. If the school were to close, there would be implications on families residing close to the school travelling further to alternative settings and in turn on carbon emissions. Any future additional accommodation would be built to the local planning authority's adopted core planning strategy. The design philosophy of which is to create buildings that will support low energy consumption, reduce solar gain and promote natural ventilation.

Public Health implications

94. The well-being of children and their families could be affected if the school were to close through the additional pressures of needing to change school, transition to a new setting, additional costs associated and the impact of additional travel times on daily routines.

<u>WHAT HAPPENS NEXT:</u>

95. Subject to Cabinet Member approval to halt this proposal, the next steps are:

- To explore the further options that have arisen during the informal consultation process during which the school will remain open.

Contact Officer:

Melanie Harding
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Consulted:

Green Oak CofE Primary School and Nursery
Parents/carers of pupils attending the school
The Wharf Children's Centre
Local residents
Diocese of Guildford
Diocese of Arundel & Brighton
Local schools with 3 miles
Local County Councillors Penny Rivers and Peter Martin
Borough Councillors
Parish Council
Borough Council
Jeremy Hunt, MP
David Hodge, Leader
Rose Durban, Executive Director Children Families and Learning
Liz Mills, Assistant Director for Schools and Learning
Julie Stockdale, SEND and School Organisation Strategic Lead
Paula Evans, Strategic Lead, Education and Partnerships (Interim)
Unions

Sources/background papers:

- The Education Act 1996; the Education Act 2002; the Education Act 2005; the Education and Inspections Act 2006.
 - Consultation document regarding the proposal to close Green Oak CofE Primary School and Nursery.
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