



## DETERMINATION

<b>Case reference:</b>	<b>STP/000287</b>
<b>Proposers:</b>	<b>The Governors of St Gregory's Catholic (Voluntary Aided) Primary School, Leeds</b>
<b>Statutory proposal:</b>	<b>To discontinue St Gregory's Catholic Primary School from 31 August 2008.</b>
<b>Date of decision:</b>	<b>29 November 2007</b>

### **Determination**

**Under the powers conferred on me by The School Organisation (Transitional Provisions) (England) Regulations 2007 I hereby approve the proposal to discontinue St Gregory's Catholic Primary School from 31 August 2008.**

### **The Referral**

1. Education Leeds ('the Authority') wrote a letter to the Office of the Schools Adjudicator on 28 September 2007 referring to the proposal by the Governors of St Gregory's Catholic Primary School ('the school') to discontinue the school from 31 August 2008.

### **Jurisdiction**

2. In a notice dated 15 June 2007 the Governing Body of the school published a statutory proposal to discontinue the school from 31 August 2007. The notice was in the necessary form as required by section 29 of the School Standards and Framework Act 1998 ("the 1998 Act"). Under the Education and Inspections Act 2006 ('the 2006 Act'), the School Organisation Committee ceased to exist from 25 May 2007 and responsibility for decisions on school organisation fell to the Local Authority in the first instance. The Authority had until 27 September to make a decision. However, because of the time constraints and the fact that a mechanism for the determination of school organisation proposals had not yet been established, the Executive Board of Leeds City Council was asked to refer the proposal to the schools adjudicator in regulations made under section 31 of the 2006 Act, the School Organisation (Transitional Provisions) (England) Regulations 2007 ("the 2007 Regulations"). The proposal was therefore referred to me as an adjudicator in accordance with these transitional arrangements. I am satisfied that I have jurisdiction to consider this matter under the relevant powers.



### **Procedures**

3. I have considered the proposal as required by Regulation 14 of the 2007 Regulations. I have had full regard to the guidance given by the Secretary of State. I have also had regard to the Human Rights Act 1998, and, as required by Schedule 5 to the 1998 Act, to the relevant provision of the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Disability Discrimination Act 1995.

4. I have considered all the papers put before me including the following:

- Prescribed information from the proposer as set out in Schedule 3 to the Education (School Organisation Proposals) (England) Regulations 1999, including the public consultation document
- Summaries of the views of members of the local community set out in correspondence and papers;
- The report on the proposal submitted to the Chief Executive of Education Leeds
- Maps showing the location of schools and the distribution of individual children within St Gregory's parish attending St Gregory's and St Theresa's primary schools
- A diocesan paper on 'Schools and the Catholic church'
- Minutes of relevant meetings of the governing body of the school
- Copies of a number of individual submissions from members of the local community, including letters from parents, staff and children at the school
- A list of 878 signatories to a petition to keep St Gregory's open
- A paper on 'Understanding new arrivals for the purpose of planning school provision', together with a table on the impact of housing developments in the Swardcliffe area
- Reports by the Office for Standards in Education (Ofsted) on St Gregory's and St Theresa's
- The Education Leeds document 'Starting primary school in Leeds: a guide for parents and carers 2007 to 2008'.

5. I visited the school on 9 November 2007. The purpose of the visit was to familiarise myself with the geography of the area, including the relationship between the school and St Teresa's Catholic Primary School (the school to which it is expected that most pupils will transfer) and not to receive representations. I convened a meeting on that day attended by representatives of the school and community, including teachers, governors, parents and others. I have taken account of representations made at that meeting and of all submissions received since it.



## The Proposal and Objections

6. The school is in the district of Swarcliffe, which is an area of the City of Leeds currently undergoing large-scale regeneration, with old housing pulled down to make way for new developments. The school currently has 70 pupils on roll. The authority expect that pupils on roll at the school at the time of closure will be offered a place at St Teresa's Catholic Primary School.

7. The arguments advanced in favour of the proposal are that it would assist in the strategic planning for reducing surplus places, in view of the decline in numbers of pupils overall and of Catholic pupils in particular, and to ensure that educational standards do not suffer as a consequence of the reducing numbers of pupils and effects on staffing the curriculum. These were set out more fully in the public consultation document.

8. Objectors to the proposal have put forward a number of arguments, which have been summarised in a paper provided. Points made in this paper and in submissions at the meeting or in individual submissions include the following:

- The closure of the school would amount to denying choice to parents who had opted for it on positive grounds
- The parents who have spoken or written have expressed strong support for the school and its committed staff, referring to the positive ethos, concern for children with Special Educational Needs and excellent pastoral care and extra-curricular activities
- There are concerns about St Theresa's, including its size, with the possibility of very large class sizes, its condition and buildings, and its location on a busy road, with more difficult travel inevitable for some families
- The regeneration housing in the area would bring new children and there were signs of an influx from economic migrants and the accession countries of the European Union - for example, Polish and Philippine families
- The governors had not been unanimous and had felt under pressure to support the proposal; there was a concern that the issue had been pre-judged by the diocesan authorities, with whom relationships in the school had become strained
- The local church was thriving and this was increasing numbers of baptised Catholic children; it was important to have all children exposed to Christian values.



## **Consideration**

### **Educational standards**

9. I have seen the most recent Ofsted report for the school (April 2004), which judged that the school was in general providing education of a good standard, although some less satisfactory features were noted. I also read the report for the nearby school, St Theresa's Primary School, inspected in June 2005. This too was regarded as a good school, with good teaching and learning throughout the school and some very good features. In addition, test data for these two schools have been supplied, and these indicate that, on all of the measures adopted nationally for recording standards in Key Stage 2, the most recent figures for St Gregory's are below those at St Theresa's. Thus there is certainly no reason on the basis of these two reports to believe that if St Gregory's were to close pupils would receive an education of a worse standard at St Theresa's. Moreover, it is likely to prove increasingly difficult, with the substantially reduced numbers and consequential effects on staffing, for St Gregory's to continue to offer a good standard of education in all aspects of the curriculum.

### **Surplus Places and Diocesan Plans**

10. There is no dispute among the parties over the existence at present of a large number of surplus places both within the school and in the area more generally. The projected numbers for the school suggest that the proportion of such places will rise to around 80% by 2010/11; in the Swardcliffe area as a whole, the comparable figure is over 40%. It is also noted that nearly half of St Gregory's pupils are not Catholic. The capacity at St Gregory's is 210; by January 2007 the roll stood at 91 pupils, and by November 2007 had fallen to 70, with 21 pupils in total in the Reception Year and Years 1 and 2.

11. The Roman Catholic Diocesan Council for Education has for some years been reviewing Catholic school provision in the Diocese of Leeds, guided by the view that reorganisation should be undertaken only where there is strong evidence that the change would improve the educational opportunities for children. Its thinking has been bound by the principle of ensuring the retention of a strong Catholic identity within the school system.

12. The Diocesan review established the need for change within the Crossgates/Swardcliffe area. In this area, two Catholic primary schools serve the parishes of St Gregory's and St Theresa's. St Gregory's and St Theresa's are half a mile apart. Our Lady of Good Counsel Catholic Primary School is 1 mile away from St Gregory's. Two community schools, Grimes Dyke Primary and Swardcliffe Primary (both also currently having surplus places) fall within the same planning area.



### **New housing (regeneration)**

13. There are plans for new housing under the East and South East Leeds (EASEL) scheme, which will certainly bring new children into the area. A table of housing developments in the Swardcliffe area suggested that the total number of primary-aged children generated over the next three years would be around 78, of whom perhaps 10% would be likely to be Catholic. Although these projections are far from absolutely certain, the figures do not suggest that St Gregory's would receive a significant number of new Catholic or other children, and certainly not such that any such additional pupils could not be accommodated in the other Catholic or other schools in the area.

### **Travel**

14. The school is around half a mile (a ten minute walk) from St Teresa's. Nevertheless, some parents are concerned about need to cross a main road. I have seen this road and, although it is a busy one, I do not regard it as a determining factor in this consideration, since arrangements currently in place evidently work satisfactorily. There is a zebra crossing outside St Teresa's, and this has the accompanying road markings, which extend for much of the frontage of the school. There is also a lay-by for buses, near the front of the school. I am satisfied that appropriate measures of road safety are in place.

### **Community Cohesion**

15. Some strong arguments about the detrimental effect on the local community have been put forward, and it is accepted by all concerned that decisions such as this are never easy and can affect community cohesion. However, the point has been made by Education Leeds that this school has not been particularly strongly supported by parents, including Catholic parents, since numbers have been declining over a number of years.

### **Finance**

16. Financial considerations are based largely on the expensive nature of giving additional financial support to small schools in order to try to help them maintain appropriate staffing levels and breadth of curriculum. The aim of dealing with surplus places is to enable planning authorities to devote resources equitably to all children in the area. In addition, discontinuing the school would release buildings for other purposes and remove the costs of maintaining the school expensively. Objectors have not questioned the economic savings that would result from the school's closure, but they have suggested that the whole process is financially driven to the exclusion of other factors. Given the projected numbers, I see no reason to demur from the conclusion that has been reached that St Theresa's should be well placed, with appropriate support for the integration of additional pupils, to be "a school with a strong Catholic ethos providing the religious education, resources, flexibility and staffing capacity to provide pupils with a high quality Catholic education", as the consultation document proposed.



## Governors

17. It is clear that this is a matter on which it has been difficult to secure the consultation which took place, the Governing Body considered that, in the light of responses to this, it should not proceed with the proposal. The Diocese asked it to reconsider its position in the light of additional information, and in March 2007 it reviewed the matter and agreed, by a majority vote, to publish a Statutory notice to close the school from 31 August 2008.

18. Although governors plainly have found this a difficult decision, in the end there was sufficient support from the governing body for the proposal to go ahead, largely from a recognition by those supporting the proposal that the school was shedding numbers rapidly and had reached a point where to sustain high quality education was increasingly difficult. I have been unable to reach a conclusive view as to the extent to which individual governors may have felt under pressure to support the proposal, but, although this may well have been a significant factor for some, the fact is that this is the governors' own proposal, based on their knowledge of the school and of local circumstances.

## Conclusion

19. I have concluded that the proposal represents a proper response to the fall in numbers of pupils in the school, including that of Catholic children; I judge that numbers have now reached the point where there will be considerable disadvantages for the continuing education of the children in the school, through the inability to sustain current staffing levels. I believe that St Theresa's School, a school with good standards, is well capable of offering places to St Gregory's pupils. If parents wish to choose an alternative school, that possibility exists since there are surplus places in other local schools. I believe that it is important that this decision be taken as soon as possible, since further uncertainty can only be damaging, and as much time as possible should be made available to permit a smooth transition so that children can be integrated properly into their new school. I have decided therefore to approve the proposal.

20. I recognise that there will be disappointment among a number of St Gregory's parents and the community at this decision, and I have noted and considered very carefully the reasons which were given for keeping the school open. I do not consider that these are sufficient to outweigh the potential educational and economic advantages of the proposal, and am not persuaded that there is evidence from the new housing plans of a really significant upturn in the numbers attending St Gregory's. I also recognise that the governors' decision to propose the school's closure was neither unanimous nor clear-cut. However, the reasons which lay behind that decision are ones which I judge to be founded on a view of the best interests of the children and of the community, and I cannot see sufficient counter-argument to outweigh that view.



21. The Diocese and Education Leeds will need to keep the primary school provision in the area under close review: closing St Gregory's in itself does not provide a strategically coherent solution. It will also be vital to establish clearly the mechanism by which pupils can transfer to St Theresa's, with guarantee of a place, or to other schools if parents do not wish to choose St Theresa's, as seems likely from the representations received. It is encouraging to note the clear plans that papers produced by Education Leeds indicate are already in preparation.

#### **Determination**

**Under the powers conferred on me by The School Organisation (Transitional Provisions) (England) Regulations 2007 I hereby approve the proposal to discontinue St Gregory's Catholic Primary School from 31 August 2008.**

Dated: 29 November 2007

Signed:

Schools Adjudicator: Mr David Taylor