

CABINET
23 SEPTEMBER 2021**SCHOOL SUFFICIENCY AND ORGANISATION FOR THE
PERSHORE EDUCATION PLANNING AREA**

Relevant Cabinet Member

Cllr Marcus Hart, Cabinet Member with Responsibility for Education

Relevant Chief Officer

Director of Children's Services

Local Member(s)

Councillors:

Daniel Boatright (Persnore)

Linda Robinson (Upton Snodsbury)

Adrian Hardman (Bredon)

Liz Eyre (Broadway)

Marc Bayliss (Bowbrook)

Laura Gretton (Harvington)

Recommendations

- 1. The Cabinet Member with Responsibility for Education recommends that Cabinet:**
 - a) approves a pre-publication consultation with stakeholders on the proposal for a coordinated change of age range to align schools in the Persnore Education Planning Area to a single, two-tier (primary and secondary) system of education;**
 - b) supports Worcestershire Children First to continue to manage this change and coordinate the consultation with families, residents, and other stakeholders; and**
 - c) considers a report of the consultation findings and full proposals in February 2022**

Background

- 2. In October 2017, the Leader delegated authority for the publication of statutory proposals for prescribed alterations to maintained schools to:**
 - a) The Director of Children, Families and Communities, in consultation with the CMR for Education and skills, for all decisions in respect of initial consultations for statutory proposals relating to prescribed alterations to maintained schools and organisation changes;**

- b) The CMR with responsibility for Education and Skills to take all decisions in relation to the public notice of statutory proposals relating to prescribed alterations to maintained schools including school places and organisation changes
 - c) The Director to decide the proposals where no objection to the public notice is received and
 - d) The CMR for Education and Skills to decide proposals where objection to the public notice is received.
3. The delegated decision maker to approve consultation is the Director of Children's Services in consultation with the Cabinet Member with Responsibility for Education, however due to the significance of the potential outcome, scale, complexity, range of stakeholders and decision makers linked to this proposal along with the level of likely public interest it is recommended this be considered by Cabinet.
4. The delegated decision maker to approve the publication of statutory notices following consultation is the Cabinet Member with Responsibility for Education, however due to the significance of the potential outcome, scale, complexity, range of stakeholders and decision makers linked to this proposal along with the level of likely public interest it is recommended this be considered by Cabinet in February 2022.
5. The County Council has a statutory duty to ensure a sufficiency of school places for all children resident in the county who wish to attend a state funded school.
6. Changes to schools in the Pershore education planning area over several years by DfE and WCC has led to uncertainty and sustainability concerns across the education planning area. This creates a risk to ensuring clear and quality education journeys for pupils in Pershore and the surrounding rural villages and ensuring the sustainability of a number of small rural schools.
7. Following a direct approach from schools in the autumn of 2020, and consultation with Cabinet members, the Pershore Education Planning Area (EPA) schools were engaged in a technical analysis to evaluate the risks and issues relating to the current organisation of the schools in the planning area.
8. During 2020/21 Worcestershire Children First (WCF) has facilitated engagement with education stakeholders including all schools in the pyramid; Multi-Academy Trust (MAT) CEOs; the Regional Schools Commissioner (RSC); and the Diocese to find agreed solutions to manage this risk within the education planning area.
9. Between July and September 2021, the schools' governing bodies and Multi-Academy Trusts (MATs) have confirmed their agreement / intentions to consult on the change to a two-tier Education Planning area, seek changes of age range (where necessary) and in the instance of the Middle Schools amalgamate with the First Schools.
10. The Pershore Education Planning Area (EPA) incorporates part of the Wychavon district, made up predominantly of small rural villages. A map of the area the education planning area is available in **appendix 1**.

11. Until 2019, the education provision in this area has followed a three-tier journey, where pupils attend first schools from the ages of 4-9 (reception to year 4), transfer to middle schools at age 9-12 (year 5 to 7), and then transfer for a final time to high school at age 12 to complete their education (year 8 to year 13).

12. From 2018 onwards the following changes were agreed or submitted within the Pershore EPA:

- a) The Orchard, Inkberrow, and Norton-Juxta-Kempsey CE converted to Primary schools in September 2019, Avonreach Multi-Academy Trust gained approval from the Regional Schools Commissioner (RSC) to vary age range of the three first schools and the high school (approved Dec 2018);
- b) Pershore High converted to a Secondary school in September 2021, although still operate an intake point at year 8, meaning pupils either start at year 7 (two-tier pyramid) or year 8 (three tier pyramid). Avonreach Multi-Academy Trust gained approval for the age range change from the Regional Schools Commissioner (RSC) in December 2018;
- c) Flyford Flavell converted to a Primary school in Sept 2020, approved in April 2020 by Worcestershire County Council;
- d) Himbleton C.E. converted to a Primary from Sept 2021, approved in October 2020 by Himbleton Governing Body; and
- e) Crowle C.E. have submitted an application to the RSC to convert to a primary school from Sept 2022 - The decision-making body is the RSC.

13. These schools therefore are not proposing any further age range changes.

14. Further details of the schools operating in the Pershore pyramid are outlined in **appendix 2**. As a result, the EPA is now made up of a mix of education tier journeys. The pyramids are outlined in **appendix 3 and 4**.

15. Across Worcestershire we seek to maintain a 5% surplus in line with the agreed strategic aims as outlined in the Worcestershire Education and Skills Strategy¹ (2019 – 2024). The creation of additional places in years 5, 6 and 7 as a result of the approved changes has resulted in a forecast level of surplus in these year groups of 31% in September 2021, which is projected to rise. This is outlined in **appendix 6**.

16. Over the last two years, we have seen parents choosing a two-tier system of education in their admissions applications. With an increasing percentage choosing to remain at converted primary schools, or a number choosing to transfer from first to primary schools. For small rural first schools, this can have a notable impact on sustainability. Please note the increasing retention rates at primary schools in **appendix 7**.

17. Between 2013 and 2018, an average of 3% of pupils moved out of the pyramid between year 4 and 5. In 2019 the area gained an additional 3% of pupils in this year

¹ <https://worcestershire.moderngov.co.uk/documents/s22939/Cab%2020190926%20Educ-Skills%20Strat-app1.pdf>

transfer. Despite this, the retention is not significant enough to offset the reduction in pupils in middle schools. The number on roll in middle schools is outlined in **appendix 8**.

18. By 2023 we anticipate that two of the middle schools in the area will be operating at around 50% capacity.

19. A decline in preference for a three-tier system has been further exacerbated by the middle school Ofsted ratings. Abbey Park Middle (community maintained), St Barnabas CE First & Middle (DOWMAT academy) and St Nicholas CE Middle (DOWMAT academy) are currently rated as 'requires improvement' by Ofsted. Ofsted noted at the recent inspection (June 2021) of St Nicholas CE Middle School that it is an improving school.

20. This represents a risk to the ability of schools in this EPA to deliver quality and sustainable education journeys for all pupils, and we see additional first schools continue to consider primary conversion in order to sustain their education provision for the future. This has continued impact on middle schools.

21. Based on the impacts of these changes and projection of further change it is recommended to consult in review of the future provision in this area to ensure a consistent and quality educational journey for all children and enable a coordinated and cohesive approach of change for the pyramid if this is required.

Collaborative Approach

22. Since November 2020, Worcestershire Children First have facilitated education partners in this area to come together on a number of occasions to understand the issues and opportunities, to collaborate on agreed principles, and consider options for the future.

23. This has involved engagement from:

- a. All school head teachers in the EPA and governing bodies
- b. All Academy Trust operational partners in the EPA
- c. The Diocese of Worcester
- d. The Department for Education
- e. The Education Funding Agency
- f. The Regional Schools Commissioner

24. The key findings from these engagement exercises indicated a consensus view that change needs to occur; recognises the importance of working together particularly during any transition phase to ensure minimal disruption to pupils and staff and following any changes; and that any changes would have an impact on accommodation, some schools would require additional facilities, while this would create surplus accommodation in others for which there are opportunities.

25. These changes could also have an impact on vulnerable groups, including children with special educational needs and disability, and pupils in the Gypsy Roma and Traveller (GRT) communities. 2.5% of pupils in the Pershore EPA are from the GRT community compared to an average of 0.6% across Worcestershire.

26. Any change cannot be made in isolation and there are many interdependencies of nearby planning areas. It is likely that an aligned tier structure to Worcester EPA will see more pupils seeking a secondary school place in Worcester City and reduced demand for places in Pershore. Moreover, a new Worcester City secondary school could have a catchment which could affect this planning area.

27. Any coordinated change will require multiple parties to work collectively, including maintained and voluntary schools, as well as two academy trusts. As a result, there are multiple decision makers, as per **appendix 2**, which will require a coordinated approach to decision making.

28. In addition, a number of principles were agreed when considering any potential options for change, including:

- a. Change is undertaken in a way that is clear for families, and stakeholders must be provided with adequate consultation opportunities and given sufficient notice to allow informed decisions to take place
- b. Any changes to provision must follow a statutory, legal, and democratic process. All decision-making bodies must: act rationally; take into account all relevant information; and follow a fair process.
- c. A programme of cross-working is required to ensure schools and pupils are supported through the transition and beyond, building on existing good practice and ensure Key Stage 2 still has opportunities to meet pupils from other schools
- d. Not to cause a reduction in early years facilities at schools which are crucial to ensure children can access places in the local community

Conversion to a Single Tier Structure

29. Conversion to a single tier (primary and secondary school) system would ensure the sustainability of education provision and provide clarity and confidence to education partners and families.

30. For a single tier structure to be in place the following changes would need to take place:

- a. Conversion of the following first schools to primary, resulting in accommodation changes
 - i. Crowle CE First School (DoWMAT)
 - ii. Fladbury CE First School (Voluntary Aided)
 - iii. Upton Snodsbury CE First (Voluntary Controlled)
 - iv. Defford-cum-Besford CE First (Voluntary Controlled)

- b. Conversion of St Barnabas CE First & Middle School (DoWMAT) to primary age range
- c. Amalgamation of Abbey Park Middle and Abbey Park First School (Community) to provide a single primary school on this site
- d. Amalgamation of St Nicholas C.E. Middle School and Pinvin CE First School (DoWMAT) to provide a single primary school on this site
- e. Increase of places at Pershore High (Avonreach Academy Trust) in year 7

31. These changes require school organisation processes as outlined by DfE guidance ([School organisation - GOV.UK \(www.gov.uk\)](https://www.gov.uk)). They will involve either a statutory or non-statutory process.

32. These changes would provide the greatest amount of stability to the planning area, with no further changes to the tier system required after completion.

33. Under this option, families in Pershore EPA would no longer be able to access three-tier provision within the EPA. **The extent to which families still want this choice will be assessed as part of the consultation process.**

34. The changes are proposed as it provides the best opportunity to ensure the delivery of high quality and clear education journeys for pupils across the planning area.

35. There are several ways that conversion to a single tier structure could be implemented. **It is recommended that the options below are included in the consultation to gauge stakeholder views on the preferred option.** The processes are outlined below:

Process 1: Transition in line with natural progression. All changes made by September 2024.

36. This would result in the change of age range at all first schools by September 2023, in line with the removal of the year 5 intake at middle schools in September 2023, and all pupils to transition to Pershore High for year 7 provision from September 2023. This would mean:

- a) Final year 5 intakes at Abbey Park Middle and St Nicholas CE Middle would be the only year groups on roll in those schools in 2023/2024 (year 6). However, both are co-located with first schools
- b) Students applying for middle school places for 2022 will make their application in Autumn term 2021, before the final decision on these proposals are made.

37. This process sufficiently meets all school organisation and statutory requirements for making changes of this type and is therefore the recommended option by Officers.

Process 2: Some disruption and greater impact for families. All changes made by September 2023

38. This would result in the change of age range at *most* first schools in 2022, with all first schools converted to primary by September 2023, in line with the removal of the year 5 intake at middle schools in September 2023. This would mean:

- a) Removal of years 5, 6 and 7 at Abbey Park Middle and St Nicholas Middle and change of age range at St Barnabas from September 2023, with year 5 and 6 delivered by Abbey Park Primary and St Nicholas Primary. All year 7 places delivered by Pershore High from September 2023
- b) This will require pupils on roll in year 5 at middle schools in 21/22 to make applications to transfer back to a primary school for 22/23, then onto secondary school for year 7 for 23/24.

39. This process will require some families to make three school applications in three years, impacting on education journeys during transition. Therefore, this process is not recommended.

Process 3: Fastest change with least consultation. All changes made by September 2023

40. All first schools converted for September 2022, with the final year 5 intake at middle schools in September 2021. This would mean:

- a) Accommodation changes to be actioned over the next 12 months.
- b) An emergency variation in admission arrangements for Abbey Park Middle and St Nicholas Middle School so that there is no intake in September 2022 (applications made Autumn 2021)
- c) Pathways would be clearer for pupils when they start year 5 in September 2022.

41. An emergency variation does not provide sufficient consultation time before families will be asked to make a decision. Moreover, the Schools Adjudicator is the decision-making body for emergency variations and therefore the outcome of this application cannot be determined by current stakeholders. This solution has been confirmed as the preferred option by several schools to enable the change to take place over the shortest transition phase.

Other tier options

42. Other tier system options have been considered by the collaborative groups for the EPA, they include doing nothing or having a mixed pyramid structure. The majority of first schools in this system are small rural schools and therefore extremely vulnerable to changes. Most have communicated a desire and eagerness to transition to primary and it is likely that they will undertake this change irrespective of a coordinated approach. Making individual changes would risk the financial stability and quality of education provision delivered by the middle schools.

43. In order to ensure schools can continue to provide good outcomes for children, management of the planning area must be undertaken to ensure the system is sustainable and suitable and therefore doing nothing cannot be considered.

44. To deliver a mixed two-tier and three-tier system across Pershore would require the retention of either one or two middle schools in the area.

45. Scenario analysis has shown that the retention of two middle schools would still result in a surplus of approximately 50% capacity by 2023. The retention of a single middle school would require a change of all remaining first schools to feed into a single middle school. However, both scenarios require all remaining first schools to remain as such, and a number of those schools have already indicated their desire to convert to primary as per **appendix 2** and **appendix 4**.

46. Therefore, no three-tier system would be sustainable and therefore this option is not recommended.

Specialist provision

47. Abbey Park First and Middle and Pershore High School have Mainstream Autism Resources Base provision on site for children and young people with an identified Autism diagnosis and an EHCP naming resourced provision. There is no indication that this provision would need to alter significantly apart from the age range for both bases in line with the school age ranges.

48. There may be opportunities to consider additional specialist and or multi-agency provision in those schools that identify surplus accommodation.

Consultation

49. Although there is no longer a requirement for pre-publication consultation, the DfE guidance does recommend Local Authorities and Governing Bodies ensure open and fair consultation with parents, any affected educational institutions in the area (e.g., primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice. Consultation papers, online surveys and consultation events will be available to all stakeholders. Local and Cabinet Members will be invited to attend any events taking place, facilitated by either the Local Authority, Governing Bodies or Academy Trusts.

50. The proposed timeline includes:

- a) September 23 Cabinet consideration of public consultation on the recommendations outlined
- b) If approved by Cabinet, October 11 – November 26 Public Consultation, including consultation on all proposals with parent carers, children, and young people
- c) February 2022 Cabinet consideration of the approval of school organisation and admissions changes at maintained (community) schools following public consultation feedback.

Legal, Financial and HR Implications

Decision Makers

51. Multiple decision-making bodies are required to coordinate an area-wide change including Worcestershire County Council, the DfE, and School Governors. The relevant decision-making body for each school is determined by the status of the school. The Local Authority is the decision maker for Community Maintained Schools, Governing Bodies are the decision maker for age range changes of up to two years for their school, and the Regional Schools Commissioner is the decision maker for Academy Schools.

Statutory Process

52. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

LA statutory duties

53. The Local Authority has a statutory duty to ensure a sufficiency of school places for all children living in the LA area who wish to access state-funded education. The current situation poses a risk to the LA's ability to continue to meet its statutory duties due to the instability it is currently causing for small rural and middle schools in this area.

Financial

54. The proposal will have capital and revenue implications for a number of different education providers in this EPA. Detailed feasibilities have begun at required schools to understand full capital and revenue costs and accommodation implications.

55. This proposal would require the expansion of accommodation at four first schools by 25-30%. These are small rural schools and although initial consideration of accommodation changes required would be feasible on existing sites, the changes will have capital implications. However, the changes will also release accommodation in other schools, where opportunities exist to increase reception places in line with new housing or develop further special educational needs provision. Aerial maps of affected school sites are available under **appendix 9**.

56. Capital costs to deliver accommodation changes as required are estimated to be in the region of a total of £4million across all changes and across funding bodies based on a cost per pupil place model, though costs are expected to be higher in part due to the impact of C19 on materials. At present, no capital budgets have been identified to fund the changes, however several opportunities exist that will be pursued:

- a. The expectation will be that the DfE will support funding for Academy Trusts in either revenue or capital funding requirements
- b. Changes to Pershore High (Academy), estimated to cost approximately £2.8m. Pershore High has been named in the first 50 schools of the DfE rebuilding programme² which provides an opportunity to incorporate the changes required at the school into a wider scheme. The ESFA are working with the complex capital team on this matter.
- c. There will be capital costs relating to the four LA maintained schools, based on the cost per pupil place this will cost a minimum of £1.35m **This will require LA funding as does not meet a basic need or maintenance requirement.**
- d. Feasibilities are being undertaken to determine the exact costs of capital works and implications for the Capital Programme prior to final decisions being required.

57. This EPA change would have an impact on the Schools Transport budget. The policy can be managed during the transition stage to ensure pupils are still eligible for transport support irrespective of whether they apply for primary or middle school places during this stage. Due to the reduction of intake in particular at St Nicholas Middle, Schools Transport have been able to remove a bus, this has offset the cost of the additional transport at Pershore High, so we are expecting 2022/2023 to be cost neutral. Further technical analysis will be undertaken to understand the implications for transport costs longer term.

58. HR implications for schools would include reductions in some schools and the need for more staff in other schools. This does present a risk of potential redundancies and the costs associated with this. WCF will continue to update and engage with the trade unions.

59. Revenue implications for schools are yet to be fully determined – whilst middle schools may be at increased risk from financial deficits during the change period, as pupil numbers decrease, Primary and Secondary schools will have the increase in numbers and pupil-led funding. The revenue implications will need to be reviewed and carefully managed on a school-by-school basis.

Risk Implications

60. At present, the 3-tier system in Pershore is not sustainable and therefore the Local Authority is at risk of failing in our statutory duty to ensure a sufficiency of good school places in this area.

61. A small number of staff would be affected or at risk as a result of this change. For the two academy schools, this could result in a small number of redundancies. The

² [School Rebuilding Programme - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Education and Skills Funding Agency (ESFA) have been notified of this concern and are working with the Multi Academy Trust.

62. Capital costs could increase due to the impact of C19 on material costs, WCF and WCC are working together to monitor and manage the education capital programme accordingly.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

63. A joint impact assessment (JIA) screening (Appendix 10) has been carried out in respect of the proposed options. It identified that further impact analysis will be required in respect of a full Equality & Public Health and Environmental Sustainability Impact assessments to identify and manage the impact of the proposed changes to those with protected characteristic, together with any mitigation should this be approved by Cabinet following consultation.

Supporting Information

All available electronically

- Appendices 1-9 as attached
- Appendix 10 - Joint Impact Assessment Screening
- DfE guidance on school organisation changes - [School organisation: local-authority-maintained schools](#) and [Academies: making significant changes or closure by agreement](#)

Contact Points

County Council Contact Points

County Council: 01905 763763

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director for Children's Services) the following are the background papers relating to the subject matter of this report:

- Cabinet decision on Change of Age Range Policy - [Cabinet on Thursday, 30 January, 2020](#)