



PORTSMOUTH & WINCHESTER DIOCESAN BOARD OF EDUCATION



Portsmouth and Winchester Diocesan Board of Education (DBE)

3rd February 2025

Representations against Isle of Wight Council's Statutory Proposals for the Closure of Oakfield CE Primary School, Brading CE Primary School and Arreton St George's CE Primary School

This submission should be read alongside the submission from the Diocesan Bishop, Rt Revd Dr Jonathan Frost, and the specific submissions from our three schools.

Attached to this response is the Diocese Board of Education's ('the Board') submission in response to the initial consultation. The Board stands by this document and requests that the points raised are conscientiously taken into account as forming part of the Board's representations on the Council's statutory proposals for the closure of Oakfield CE Primary School, Brading CE Primary School and Arreton St George's CE Primary School. In addition, the Board makes the following further representations:

- i. There remains a significant lack of clarity and transparency over the criteria which have been applied by the Isle of Wight Council ('the Council') to identify the schools proposed for closure. In the original proposal document, standards are referred to as a primary reason for selecting schools for closure; this was reiterated at public consultation meetings. However, at a recent board meeting, Council officers stated that the closure was not to do with standards. The statutory proposal documents now claim it is about sufficiency of pupil places in the area. The Board lacks confidence in the process as the rationale and criteria keep changing. Moreover, the Council's failure to provide relevant and accurate information throughout the process has left the Board and other consultees without sufficient information to enable them to intelligently consider and respond to the consultation or to the closure proposals.
- ii. The Board remain concerned that standards and performance was a primary factor in the Council's selection of the schools proposed for closure. This is not in line with the DfE's statutory guidance on Opening and Closing Maintained Schools ('the OCMS guidance'), which places limited emphasis on school standards in favour of other factors. Further, the Council appears to have relied on performance data without due regard for the way that contextual factors, such as a high proportion of children with SEND, can influence this. The schools' contexts were addressed in detail in the

Diocese's consultation response, and we ask that this is carefully and conscientiously considered.

- iii. When challenged at public scrutiny meetings about how schools were identified for closure, rather than offering a clear set of criteria that were scored and adjusted for contextual reasons, officers explained that the decisions were made through 'professional discussions'. This is not clear and transparent; it suggests decisions were made according to subjective officer opinions rather than a clear set of objective criteria applied fairly to all schools.
- iv. The statutory proposals set out a list of "key areas for consideration", but these do not appear to have been applied consistently. For example, as stated in the consultation response, another school in the planning area for Brading has an RI Ofsted rating, a similar surplus of places and poor data, and has not been identified for possible closure despite being geographically closer to other schools in the area. The Council has not explained what criteria have been applied to identify which schools are proposed to close and which will remain open. It was stated at the start of the consultation that all schools would be considered, but no evidence has been shared to demonstrate that the Council has considered what would provide the best result across the island as a whole. Again, this has significantly and severely restricted the ability of consultees to intelligently consider and respond to the consultation and closure proposal.
- v. The Board understands that there is still an outstanding FOI response being awaited by Oakfield CE Primary School that requests details regarding SEND funding allocations to schools. The Board has been made aware by a number of school leaders that there is concern that funding has, historically, not been awarded fairly according to pupils' needs. Oakfield and Brading CE Primary Schools have high numbers of SEND pupils and this has contributed to their budget pressures. Financial viability has been cited by the Council as a key consideration in its decision making. To ensure a fair process, the financial viability of these schools cannot fairly and reasonably be assessed until the impact of these concerns has been properly considered and resolved. In addition, the continuation of an unfair and unreasonable closure process is having a detrimental impact on these schools as applications will not be made if parents/interested stakeholders consider it is a foregone conclusion that these schools will close. This situation cannot be allowed to stand, and it is the duty of the Council to scrutinise and adapt its decision making process to remove this unfairness.
- vi. The statutory notice documents for each school suggest that *'the importance of church schools is understood'*. The Board is not convinced by this statement. Why, then, has the LA proposed the closure of three Church of England schools? That is 60% of the schools proposed for closure and would significantly restrict parents' choice when seeking a church school education. A lack of understanding of the impact is further exposed by the statement in the statutory proposals that a Christian based education was still available for parents as a Roman Catholic school remains open. Whilst both have a Christian foundation, CofE and RC schools are very different in terms of the basis for their provision and place in the community. Many parents who follow the Anglican faith and who wish for their children to attend a faith school will have a strong preference for education within a Church of England school, and we would have assumed that this would have formed part of the Council's consideration when determining which schools should close.

- vii. It has also been stated publicly by Councillor Bacon that closing three CofE schools would bring faith school proportion on the island in line with national figures. The OCMS guidance is clear that when considering the balance of denominational provision, decision makers should “*consider the effect that this will have on the balance of denominational provision in the area*”. The national landscape is not a relevant consideration, and the Board are concerned that the Council has therefore both taken into account irrelevant information and failed to comply with the statutory guidance in its consideration of this factor.
- viii. Schools have been identified for pupils’ transition. In terms of pupil spaces, for Oakfield CE Primary School this is Greenmount Primary or St Mary’s RC School and for Arreton CE Primary School this is Barton Primary. These are not CE schools. The Equality Impact Assessments completed by the Council and included within the statutory proposal identify a clear negative impact for those with the protected characteristic of religion or belief and acknowledges that the closure of the three schools will result in the reduction of choice for families and pupils. In the letter sent from the Council to the Diocese Director of Education dated 29 January 2025, the Council responded to concerns about this impact simply by saying that “*this factor has been considered and the findings are included within the equality impact assessments*”. However, the statutory proposal documents make little mention of this impact, offering no assurance that the Council has properly taken these relevant findings into account in any part of its decision making to date or sought to alleviate the negative impact identified. This failure to take into account and highlight the relevant negative impacts of its decision on those with the protected characteristic of religion or belief renders the Council’s decision-making process as seriously flawed. It also demonstrates a failure to conscientiously take into account the extent of the Council’s public sector equality duty (‘PSED’).
- ix. The Equality Impact Assessments also identify a negative impact arising from disadvantage to those pupils who are identified as having special educational needs or a disability. All five of the schools identified for closure are in the top nine schools with the highest percentages of pupils with SEND on the island. Beyond a handful of generic statements about transition plans and the EHCP review process, the statutory proposals contain little information to address concerns about the large number of SEND children who will be displaced in just a few months’ time, should the Council proceed with the proposals. The proposals offer no assurance that the impact on these pupils can be mitigated. This also further demonstrates a failure by the Council to comply with the PSED.
- x. In terms of Greenmount School receiving pupils from Oakfield CE Primary, you have stated that temporary classrooms would be necessary to accommodate pupils. This includes high numbers of SEND pupils, including many with EHCPs. The Board questions whether the school is fully equipped to receive these pupils both in terms of sufficient space/accommodation and staff expertise that aligns with pupils’ needs, something that Oakfield itself can provide. This serves to compound the Board’s concerns about the serious impact of the proposals on the most vulnerable of pupils.
- xi. Whilst not a protected characteristic, the Equality Impact Assessments also consider the impact of the proposals on deprivation and inequality. The Assessments identify a negative impact on those families arising from the changing schools, including costs such as new uniform, as well as increased travel time and costs. There is no clear detail regarding how this impact will be addressed in the statutory proposals, nor what any

such measures will cost, raising concerns again that this significant relevant factor has not been properly considered as part of the Council's decision making to date.

- xii. The Board's first submissions spoke of concerns regarding the detrimental impact on communities if schools should close. It notes that in the recent statutory notice documents acknowledge the many community services that our schools provide. In response, the notices simply state that: *'through local research it is possible that these services could be relocated to alternative sites.'* This sentence has been copied and pasted in all of the notices. This does not give the Board confidence that these concerns have been addressed as no detail has been provided, just a generic statement with no evidence as to what local research has been carried out and what the alternative sites may be.
- xiii. Both Brading CE Primary and Oakfield CE Primary include maintained nursery provision, the closure of which there is a presumption against. The Board is concerned by the analysis of preschool place sufficiency. In both examples, early years provision data shows that there is a higher total number of children on roll at the Early Years settings compared to quoted capacities. Whilst the Board understands not all children on rolls attend full-time, it does raise the question whether there really is sufficient capacity. We understand that at Oakfield, the majority of children do attend full-time, and the nursery is at capacity. The level of SEND at the nursery is also very high. The OCMS guidance expects decision makers to adopt a presumption against the closure of nursery schools and requires that the case for closure should be strong. The OCMS guidance also requires that a proposal for the closure of a maintained nursery school sets out:
- *Plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism; and*
 - *How replacement provision is more accessible and more convenient for local parents.*

The proposals do not include information on the above points, in breach of the OCMS guidance. Moreover, the statutory proposal for Oakfield clearly states that *"the proposed closure could impact on the early years provision in the area"*. It is clear from the proposals that the Council is unable to make out a strong case for closure, and that closure would therefore be contrary to the statutory guidance.

- xiv. The Board is also concerned about the use of pupil number data in the 'reasons for closure' opening section of the statutory notice document. To support the rationale for closure, pupil numbers at October 2024 are quoted. This represents a significant period after which schools proposed for closure were publicly named. Understandably, many parents concerned about this decided to move their children prior to October 2024 so the numbers are not representative of the schools' popularity prior to the announcements. This is particularly misleading in the case of Arreton and Brading CE Primary Schools with Arreton falling from 120 to 86 and Brading 165 to 140.

Portsmouth Diocese has sought specialist legal advice to consider next steps, including possible legal action. In addition, the Board is currently preparing a case that will be submitted to the Schools Adjudicator should the current proposals be agreed by cabinet members at the beginning of March 2025.