

Subject:	Update Moulsecoomb Primary School		
Date of Meeting:	8 March 2021		
Report of:	Executive Director Families Children & Learning		
Contact Officer:	Name:	Mark Storey	Tel: 01273 294410
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Ward(s) affected:	All Wards		

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was that the report was delayed due to new information on academy sponsors being released so close to publication.

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Children, Young People and Skills Committee requested a further update report on Moulsecoomb Primary School.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the report including the fact that:
- the school currently remains a Local Authority maintained school;
 - no academy sponsor has been found;
 - the academy order remains in place.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Moulsecoomb Primary School is currently a designated two-form entry primary school with less than 250 children on roll. Over 60% of children qualify for pupil premium subsidy. The proportion of pupils with Special Educational Needs or Disabilities (SEND) is also well above that seen in other schools across the country. Given the fall in numbers at the school over the last 3-4 years, and the fact that there are a growing number of surplus places across Brighton and Hove, it has been agreed that from September 2021, along with some other primary schools, the PAN will be reduced. The school will have one form of entry (30 pupils) rather than two forms (60 pupils).
- 3.2 Moulsecoomb Primary School was inspected by Ofsted on 3rd and 4th of April 2019 in a section 5 inspection. Following this inspection, the school's overall judgement moved from Requires Improvement to Inadequate.

- 3.3 The reasons for the inadequate judgement are outlined in the report [Moulsecoomb Primary School Ofsted Report April 2019](#).
- 3.4 Schools that have been judged inadequate fall into two categories: Schools Ofsted judge as requiring significant improvement (known as serious weaknesses) and schools Ofsted judge as requiring special measures.
- 3.5 Moulsecoomb has been judged to have serious weaknesses. This is the better of the two categories as it means that Ofsted consider leaders, managers and governors are demonstrating the capacity to improve the school.
- 3.6 The arrangements for safeguarding are effective. All safeguarding requirements are met.

4. PROGRESS THE SCHOOL HAS MADE

- 4.1 The school has made significant progress since the last inspection as outlined in November 2019 to the Children, Young People and Skills Committee. It has continued to make progress since then, including during lockdown and throughout the time of the pandemic. This progress has been acknowledged by the local authority and by Ofsted/HMI in February 2020 and in October 2020. There has been particular focus on staff training and on improving the quality of teaching and learning at KS2. Improving attendance has also been a key priority.

- 4.2 On 4-5 February 2020 HMI completed a monitoring visit. At this visit it was stated that:

“Leaders and managers are taking effective action towards the removal of the serious weakness designation”

They “have a clear set of principles and values that inform the work of the school community”.

“The school improvement plan is fit for purpose”

“The local authority’s statement of action is fit for purpose”

“Leaders have made a start on improving the quality of education” and “have created the right climate for learning”.

“Leaders have continued to tackle the root causes of why some pupils do not attend school as well as they should”.

“The local authority has secured a range of appropriate support for the school”.

- 4.3 During the Autumn Term 2020 routine education inspections by Ofsted were suspended due to Covid. However, on 20th October the school received an interim visit from Ofsted.
- 4.4 Further information re Ofsted Interim Visits can be found at [Ofsted Vimeo](#) and the [Ofsted page on interim visits](#).
- 4.5 Ofsted states:
 “These interim visits are to reassure and inform parents, government and the public about how schools are managing the return to full education for all pupils. Interim visits will help parents and the public to understand how individual schools are returning to the school’s normal curriculum. We will not be evaluating what leaders did during the spring and summer terms 2020, when schools were not

open to all pupils, but we may need to understand the broad context of its impact on the school.

The lead, Her Majesty's Inspector (HMI), will write a short letter after each interim visit. The letter will summarise briefly the discussions inspectors had with leaders. This is to provide parents with information about what leaders are doing to help pupils back into full-time education. Letters will not provide any evaluation or graded judgement. They will be published on our [reports website](#).

We will also use our findings from the visits to report to the Secretary of State and the public on the picture across schools in England.”

- 4.6 The report for Moulsecoomb can be found at: [Ofsted | Moulsecoomb Primary School](#) 20 October 2020.
- 4.7 Further guidance regarding inspections, published by Ofsted in December 2020, stated that double Requires Improvement (RI) schools would receive a section 8 monitoring visit where no judgement would be made. Therefore, the school is likely to receive a further Ofsted monitoring inspection during the Spring Term 2021, given its inspection history (Requires Improvement and Inadequate).
- 4.8 Moulsecoomb Primary School will have a further inspection (monitoring visit) by 2 HMI inspectors for 1 day on 24/02/2021. Ofsted are seeking assurance that Leaders and those responsible for governance are taking effective action to provide education in the current circumstances. It does not change the judgement. It does not affect academisation. Following the inspection the schools receives a letter that explains findings. This letter is published on the Ofsted website.

5. UPDATE ON ACADEMISATION

- 5.1 The Department for Education have recently contacted the Local Authority to say they are now considering 3 new sponsors and that they will select a sponsor by the end of March 2021. This paper was delayed due to this information being released so close to publication.
- 5.2 Following initial interest from a small number of potential sponsors, New Horizons Academy Trust, was identified to sponsor Moulsecoomb Primary School. New Horizons Academy Trust completed a range of due diligence checks including finance. However, on 16th December 2019 the school and Council became aware, through a press article, that New Horizons Academy Trust had withdrawn from becoming the Academy sponsor for Moulsecoomb Primary School. Neither the school nor the Council were notified of this by either the Department of Education or New Horizons Academy Trust.
- 5.3 The Department for Education do still want Moulsecoomb Primary School to become an Academy. .
- 5.4 The Council will continue its commitment to support Moulsecoomb Primary School.
- 5.5 The Regional School Commissioner (RSC) has a legal duty to make an academy order for any maintained school that has been judged inadequate, to enable it to become an academy. This academy order has been made. The Regional Schools

Commissioner, acting on behalf of the Secretary of State, takes responsibility for ensuring that conversion to academy happens. The RSC chooses academy sponsors and make arrangements with those sponsors to enable academisation to take place.

- 5.6 The RSC has offered funded school improvement support. That support would need to be from an Academy and may support finding a future sponsor. The Governors and Headteacher have declined the offer as they believe the support they are currently getting is sufficient and focused. As a result of this the LA did ask the RSC if money that would have been given to an Academy could be used to fund the LAs support. The RSC said that this would not be possible.

6. CONCLUSION:

- 6.1 The report is for information purposes only.

7. FINANCIAL & OTHER IMPLICATIONS:

- 7.1.1 The Local Authority is responsible for the deficit of the school when it transfers to academy status, as per DfE guidance. The DfE guidance says – “School deficits are not an allowable charge on the LA’s schools budget (funded by its allocation of Dedicated Schools Grant (DSG)); however, if the Schools’ Forum has agreed to de-delegate a contingency provision, then the deficit may be funded from that contingency, depending on the criteria agreed for its use.” Schools’ Forum approved de-delegation of £300,000 however, the minutes of the Forum state this was agreed on the understanding that contingency would not be used to finance the deficit left to the LA if the school converts to academy status.

- 7.1.2 If the deficit is not recoverable by the school prior to academy conversion, or covered by the contingency provision referred to in paragraph 7.1, then the LA’s council budget may have to meet the deficit. The Licensed Deficit agreed with the school is £249,701 for 2020/21. The current anticipated position is a deficit of around £208,000 by the end of the financial year. Discussions have taken place with school leaders regarding how this deficit may be improved. Checks and controls will need to be put in place to ensure the school does not spend any of the school’s budget on things that could be the responsibility of a new academy sponsor or the new Academy.

Finance Officer Consulted: Steve Williams

Date: 25/01/2021

7.2.1 Legal Implications:

- 7.2.2 Following the Ofsted inspection in April 2019 the school was issued with an Academy Order under section 4 of the Academies Act 2010. The Order will not take effect until the date of conversion.

- 7.2.3 Under section 5B of the Academies Act 2010, the governing body of the school and the Local Authority are under a legal duty to take all reasonable steps to facilitate the conversion of the school into an academy by a date to be determined by the Regional Schools Commissioner. This will include co-operating with the proposed sponsor during the due diligence process referred to in the body of the

report. Due diligence enables the proposed sponsor to make an informed decision about whether to bring the school into its trust.

7.2.4 During the interim period between a maintained school receiving an Academy Order and the school re-opening as an academy the Local Authority retains the responsibility for the school's performance, including provision for school improvement.

7.2.5 The RSC has the power to revoke the Order only in exceptional circumstances.

Lawyer Consulted:

Serena Kynaston

Date: 22.01.2021

