

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

MEETING OF CORPORATE DIRECTOR AND EXECUTIVE MEMBERS FOR THE CHILDREN AND YOUNG PEOPLE'S SERVICE 5 SEP 2017

PROPOSAL TO CLOSE SWAINBY AND POTTO CE VA PRIMARY SCHOOL

1 PURPOSE OF REPORT

- 1.1 To provide Executive Members with information upon which to make a decision on the proposal to close Swainby and Potto Church of England Voluntary Aided Primary School with effect from 31 December 2017.

2 EXECUTIVE SUMMARY

- 2.1 On 3 April 2017 the Governing Body of Swainby and Potto Church of England Voluntary Aided Primary School decided to consult on a proposal to close the School from 31 December 2017. Public consultation took place between 28 April and 9 June 2017. This followed discussions between the Governing Body, the Diocese of York and North Yorkshire County Council where a number of shared concerns were expressed.
- 2.2 The Governing Body met on 14 June and considered the outcomes of the public consultation. Following careful consideration, they agreed to publish statutory proposals to close the school from 31 December 2017.
- 2.3 The statutory proposals were published on 23 June 2017, giving 4 weeks until 21 July 2017 for representations to be made.
- 2.4 This report is supported by a number of Appendices as listed below:

Annex A: Public Notice and Statutory Proposals

Appendix 1: Public Notice in accordance with section 15(2) of the Education and Inspections Act 2006

Appendix 2: Statutory Proposal for school closure

Annex B: Report to Governing Body of Swainby and Potto Church of England Voluntary Aided Primary School, 14 June 2017

Annex C: Equality Impact Assessment

Annex D: School Organisation Guidance for Decision-makers

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for closing a maintained school. These are detailed in School Organisation regulations and guidance¹. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the County Council's Executive or Executive Members) acting as decision-makers.

¹ School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education statutory guidance Opening and closing maintained schools and Guidance for decision makers April 2016.

4 PROPOSALS

- 4.1 The Governing Body of Swainby and Potto CE VA Primary School proposes:

That the Local Authority cease to maintain Swainby and Potto CE VA Primary School with effect from 31 December 2017. It is proposed that from 1 January 2018 the area currently served by Swainby and Potto CE VA Primary will be served by both Hutton Rudby Community Primary School and Carlton and Faceby Church of England Voluntary Aided Primary School.

5 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 On 3 April 2017 the Governing Body gave approval to consult publicly on a proposal to close the school from 31 December 2017.
- 5.2 The consultation period ran from 28 April to 9 June 2017. Consultation documents were distributed to a wide range of stakeholders. The consultation document is attached, together with responses to the consultation, and notes of the public consultation meeting in Annex B, Appendix 2.
- 5.3 CYPS officers produced a report (Annex B) to inform the Governing Body of the outcomes of the public consultation and to help them with their deliberations over the proposal.
- 5.4 The Governing Body met on 14 June 2017, considered the report and consultation responses, and resolved to proceed with publication of the statutory proposals.

5 STATUTORY PROPOSALS AND NOTICES

- 6.1 The statutory proposals and public notices were published on 23 June 2017. The public notice, placed on the school gates and in the Darlington and Stockton Times newspaper, invited written objections or comments to be submitted by 21 July 2017. A copy of the notice is attached as Annex A, Appendix 1. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's and the school's websites and distributed in accordance with guidance. A copy of the proposal is attached as Annex A, Appendix 2.
- 6.2 No responses were received to the Statutory Notices by the end of the notice period of 21 July.

7 FINANCIAL IMPLICATIONS

- 7.1 The governing bodies of Swainby and Potto and Ingleby Arncliffe Voluntary Aided Church of England primary schools, working closely with the Diocese of York, considered the best way to address the financial challenges faced by their schools was to operate with shared staffing and resources, including sharing one school site. Even with these shared resources, the schools have been unable to demonstrate financial viability going forward with their predicted deficit rising. Annex B, Appendix 1b gives their financial forecast, which shows an overspend rising to around £250k across the schools in 2019/20 with no prospect of recovery.

- 7.2 The school playing field is owned by the County Council. If the school closed, and consent of the Secretary of State was granted to sell the playing fields, the proceeds would have to be invested in physical education in the school(s) whose catchment area is expanded. The trustees of the Swainby and Potto school buildings are the vicar and church wardens from the parish of Whorlton on behalf of the Diocese of York. However, since the school was built using public funds rather than funded by the trustees, the local authority can lay claim to the sale proceeds. Legal advice is being sought on the disposal process.
- 7.3 Any savings arising from the closure, if approved, would remain within the ring-fenced Dedicated Schools Grant as part of the funding for all schools. Any revenue or capital balances would be made available to the receiving school(s) in line with the Closing School Accounting Policy.
- 7.4 If the school closed, there would be a potential additional cost to the Local Authority in providing transport to other schools. Free home to school transport would be provided for entitled pupils within the enlarged catchment area(s) in accordance with the County Council's Home to School transport policy. The increase in traffic likely to result from the closure of the school is considered to be minimal given the small number of pupils.
- 7.5 The NYCC Home to School Transport Policy states that 'Transport assistance following a school closure or reorganisation will be determined by the Council, following consultation, at the time the closure notices are determined and may vary depending upon circumstances.' Usually transport assistance for eligible pupils begins immediately after the date of school closure. The proposal in this case is to allow transport assistance to those that are eligible between the anticipated Executive Members' decision (5 September 2017) and the technical closure date. This arrangement is in recognition of the length of time between the formal decision in September and the effective closure date in December. The proposal is that this arrangement will only apply to those pupils who attended Swainby and Potto School at the time the consultation process commenced in April 2017, lived in the catchment area and transferred to either Hutton Rudby or Carlton and Faceby schools after the consultation commenced. Annex B, Sections 5.3.1 to 5.3.9 explains this approach in more detail. In addition pupils resident in the Swainby and Potto School catchment area and starting the Reception year in September 2017 at either Hutton Rudby or Carlton & Faceby Schools would also, if eligible, be entitled to transport assistance in the Autumn term 2017 following an Executive Members' decision to close the School.
- 7.6 Concern has been expressed by governors and others about the timely transport entitlement to receiving schools. The Governing Bodies of both Ingleby Arncliffe CE VA and Swainby and Potto CE VA Schools have formally asked that *'the Authority move even further and consider the situation of all the pupils who have moved from both schools since last April (2016). The current governors believe that parents felt they had little option in moving their children to others schools due to the circumstance prevailing at the time. The governors are mindful of the fact that some pupils will be possibly entitled to free transport after closure and others who have been deemed to make a parental choice will not be, but could well be neighbours.'* Approval of this request would increase the qualifying eligibility period significantly from April 2017 to April 2016.

- 7.7 If the proposed approach is adopted, and applies only to those who attended Swainby and Potto School at the start of the consultation process in April 2017, then 4 pupils would be eligible for transport to Hutton Rudby Primary School. This would require a taxi at £70 per day and cost a total of £13,300 per annum.

One new Reception child, due to start school this academic year, would be eligible for transport to Carlton and Faceby Primary School. Parents would be offered an allowance of 30p per mile for 4 journeys per school day, a total cost of £570 per annum. If a parental allowance was not suitable it is likely that transport would be by taxi, at a daily cost of £70 per day and cost a total of £13,300 per annum.

If the Governors alternative is adopted, and the eligibility period is extended to begin from April 2016, then 7 pupils are eligible to transport to Hutton Rudby, which would require a mini bus at a daily cost of £100 per day and cost a total of £19,000 per annum. Also an additional 4 pupils would be entitled to transport to Carlton and Faceby Primary School which would require a taxi at a cost of £90 per day and cost a total of £17,100 per annum. Taken together, this would cost £36,100 per annum and so could potentially cost £9500 more per annum than the recommended approach.

- 7.8 The approach to bring forward potential eligibility to a qualifying date at the start of the consultation period is considered reasonable in the circumstances of this particular case. Extending assessment eligibility to an earlier date is subjective, difficult to define or justify and would set a potentially expensive precedent for future school closures. It is therefore concluded that the Governors' request be rejected.
- 7.9 It is recommended that the Transport qualifying period should remain as April 2017 under the terms set out in sections 5.3.1 to 5.3.9 of the report to the Governing Body dated 14 June 2017 (Annex B). The additional costs would be met from the County Council's Home to School transport budget.

8 LEGAL IMPLICATIONS

REGULATIONS AND GUIDANCE

- 8.1 The Education and Inspections Act 2006 section 15 prescribes who can make the proposal to discontinue a school maintained by the Local Authority. The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 are made under section 15 and set out the manner in which proposals relating to closing a school should be made. The School is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2016. There is a presumption against the closure of rural schools.

The Statutory Guidance "Opening and Closing Maintained Schools" and "Guidance for Decision Makers" were both updated in April 2016. Careful regard has been had to these provisions.

PRELIMINARY CHECKS

- 8.2 The Decision Maker must consider, on receipt of each proposal:
- whether any information is missing;
 - whether the published notice of the proposal complies with statutory requirements;
 - whether the statutory consultation has been carried out prior to the publication of the notice;

- and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive or Executive Members to proceed to determine this proposal.

TYPES OF DECISION THAT CAN BE MADE

- 8.3 In considering proposals for a school closure, the Executive or the Executive Member for Schools, if there are no objections received during the representation period, as Decision Makers can decide to:
- reject the proposals;
 - approve the proposals;
 - approve the proposals with a modification;
 - approve the proposals subject to them meeting a specific condition.

9 PROCEDURE FOR THE MEETING

- 9.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:
- (a) The decision maker must have regard to the Decision Makers' Guidance and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.
- (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

10 ISSUES RAISED IN THE REPRESENTATIONS TO THE STATUTORY PROPOSALS

- 10.1 There have been no responses or issues raised following the publication of the Statutory Notices.
- 10.2 There is one item of correspondence received between the closure of the consultation period and the start of the statutory notice period which, due to timing, was not reported to the Governing Body on 14 June 2017. It is from a resident of Swainby who asks that the following points (summarised) be noted:
- If teaching standards were not satisfactory intervention should have come sooner
 - Capacity at Hutton Rudby and Carlton and Faceby Schools in light of additional housing development
 - Poor communication from School led to dissatisfied parents
 - Financial deficits should not have been permitted
 - The community has been let down, taking the heart out of the Village

It is considered all of these points were covered at the Public meeting or have been debated at other times by the Governing Body. It is the view of CYPS Officers that the receiving schools will have sufficient capacity based on current data for pupil forecasts.

11 REASONS FOR THE RECOMMENDATION.

Viability, educational standards and cost considerations

- 11.1 The proposal to close Swainby and Potto CE VA School is driven by four key reasons:
- 11.1.1 Very low pupil numbers;
 - 11.1.2 Quality of curriculum experience;
 - 11.1.3 The school's financial position;
 - 11.1.4 Interim leadership.
- 11.2 At the time of the publication of the consultation paper only 9 children were on roll at the school and it is considered difficult for teaching staff to deliver an age appropriate curriculum to such small groups of children. During June and July there were only 3 children remaining in school. These were all Year 6 pupils due to leave for a secondary school and there will be no children in the school in September 2017.
- 11.3 The last Ofsted inspection of Swainby and Potto reported that the school "Requires Improvement", but it was considered likely by Local Authority Education Advisers that if the school were to be re-inspected it would not be deemed to have made the required improvements nor have the capacity to do so in the future. Following the recent "Inadequate" judgement on Ingleby Arncliffe, there is concern that the Swainby and Potto School would be at risk of also being placed in Special Measures, since it shares the same staff and resources.
- 11.4 As already noted, in order to make savings, the two schools currently operate on shared staffing and resources, including one school site but, even with these shared resources, the schools have been unable to demonstrate financial viability going forward with the predicted deficit rising.
- 11.5 It is considered that an attempt to recruit a substantive headteacher with the calibre to make the necessary improvements is unlikely to be successful. Without secure leadership the quality of teaching at the school is at further risk.
- 11.6 Primarily for the four key reasons outlined above it is proposed that Swainby and Potto CE VA Primary School should close with effect from 31 December 2017.
- 11.7 Swainby and Potto CE VA Primary School is classified as a rural school. There is a legal presumption against the closure of rural schools. This does not mean rural schools should not close. It means that the 'case for closure should be strong and the proposal must be clearly in the best interests of educational provision in the area'. The guidance requires proposers to demonstrate that they have considered the following:
- Educational standards at the school and the effect on standards at other schools
 - Alternatives to closure such as federation or academy status
 - The availability and cost of transport to other schools
 - Any potential increase in car use
 - The impact on the community

These have been examined in the statutory proposals (Annex A, Appendix 2) and in the Report to the Governing Body (Annex B). Careful consideration

has been had to alternatives to closure, transport implications and the impact on local people and the wider community of closure of the school. However, it is concluded that the case for closure is strong and in the best interests of educational provision in the area for the reasons outlined above.

12 HUMAN RIGHTS IMPLICATIONS

12.1 There are no Human Rights issues in relation to this issue.

13 OTHER IMPLICATIONS

13.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached at Annex C.

14 RECOMMENDATIONS

14.1 (a) That having undertaken the required preliminary checks, the Executive Members resolve that the four key issues listed above in paragraph 8.2 have been satisfied and there can be a determination of the proposals.

(b) That the following proposal be determined:

To cease to maintain Swainby and Potto Church of England Voluntary Aided Primary School with effect from 31 December 2017.

To extend the catchment areas of Carlton and Faceby Voluntary Aided Primary School and Hutton Rudby Primary School with effect from 1 January 2018 to serve the area currently served by Swainby and Potto CE VA Primary School.

(c) That the following Home to School Transport approach be endorsed:

That the Transport qualifying period should remain as April 2017 under the terms set out in sections 5.3.1 to 5.3.9 of the report to the Governing Body dated 14 June 2017 (Annex B).

Stuart Carlton
Corporate Director – Children and Young People’s Service

Report prepared by Mark Ashton, Strategic Planning Officer

List of Appendices:

Annex A: Public Notice and Statutory Proposal

Appendix 1: Public Notice in accordance with section 15(2) of the Education and Inspections Act 2006

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Annex D: School Organisation Guidance for Decision-makers

Background documents

Report to Governing Body of 6 March 2017

Proposal to Cease to Maintain a School
Swainby & Potto Church of England Voluntary Aided
Primary School



Notice is given in accordance with section 15(2) of the Education and Inspections Act 2006 that the Governing Body of Swainby & Potto Church of England Voluntary Aided Primary School intends to discontinue Swainby & Potto Church of England Voluntary Aided Primary School, Claver Close, Swainby, Northallerton, North Yorkshire, DL6 3DH on 31 December 2017.

Copies of the complete proposal can be obtained from: Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE and are available on the County Council's website at www.northyorks.gov.uk.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm on 21 July 2017.

Signed:

David Jackson
Chair of Governors
Swainby & Potto CE VA Primary School

Publication Date:

23 June 2017

Statutory Proposals Swainby and Potto Church of England Voluntary Aided Primary School

Statutory proposals for school closures

*The information below must be included in a proposal to close a school:
Under Schedule 2 to the Establishment and Discontinuance Regulations.*

Contact details

The name and contact details of the LA or governing body publishing the proposal and the name, address and category of the school proposed for closure.

The Governing Body of Swainby and Potto Church of England Voluntary Aided Primary School intends to discontinue Swainby and Potto Church of England Voluntary Aided Primary School, Claver Close, Swainby, Northallerton, North Yorkshire, DL6 3NA.

Swainby and Potto Church of England (Voluntary Aided) Primary School is a 4-11 voluntary aided primary school in North Yorkshire.

Implementation

The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

Proposed date of closure is 31st December 2017.

Reason for closure

A statement explaining the reason why closure of the school is considered necessary.

There are two key concerns: falling pupil numbers, and the school's financial position

1) Falling pupil numbers

The number of children at Swainby and Potto Church of England Voluntary Aided Primary School has been low over the past few years and then fallen further from 14 in January 2017 to 3 in June 2017. It is forecast that these numbers will fall further still to an expected 0 in September 2017. This is because the 3 pupils remaining in the school are Year 6 pupils due to leave shortly for a secondary school. So all those in school currently are about to leave and there could be no children at the school in September. The school is designated to accommodate up to 84 pupils. Forecasts indicate that these numbers will not recover significantly in the longer term.

2) The school's financial position

Reducing pupil numbers has increased the school's forecast deficit budget. In order to reduce costs, the school currently collaborates with Ingleby Arncliffe CE VA Primary School. The two schools currently operate on shared staffing and resources, including one site and one headteacher. Even under these combined circumstances the schools have been unable to demonstrate financial viability going forward, with the predicted deficit across the two schools predicted to rise to around £250,000 in 2019/20, with no prospect of recovery. The current financial forecast is based on 20 pupils across the two schools but the current pupil number now falls below that originally assumed and increases the deficit further.

Pupil numbers and admissions

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

The 3 pupils remaining in the school are Year 6 pupils due to leave shortly for secondary school:

Swainby and Potto			
Year Group	Numbers January 2017	Numbers 5 May 2017	Numbers 6 June 2017
Rec	2	1	0
Y1	1	1	0
Y2	2	1	0
Y3	2	2	0
Y4	3	1	0
Y5	1	0	0
Y6	3	3	3 (Males)
Total	14	9 (8 in school)	3 (Males)

The school's age range is 4-11 years, and provision is available for boys and girls. There is no boarding provision. Information on special educational needs of the pupils has not been provided due to the small cohort size as this detailed information would contravene the Data Protection Act. Total pupil numbers are significantly lower than the capacity of the school which is designed to accommodate up to 84 pupils.

Displaced pupils

A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

- a) any interim arrangements;*
- b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and*
- c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintain the school.*

Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

It is proposed that from 1st January 2018 the area currently served by Swainby and Potto CE VA Primary School will be served by Hutton Rudby Primary School and Carlton and Faceby CE VA Primary School jointly.

The LA and Diocese of York support this shared catchment proposal, since it has a number of benefits.

It recognises that Hutton Rudby and Carlton and Faceby schools are almost equal distance from the current Swainby and Potto school site.

Children living in the Parish of Potto would be in-catchment for admissions purposes for a Church school at Carlton Faceby and also for Hutton Rudby. The same would apply for children in Swainby Parish. Although considered unlikely, in the event of a future oversubscription issue at Hutton Rudby or Carlton and Faceby parents would benefit from being classed as in-catchment for both schools, If the catchment area was not a shared one, and one of the two schools were ever over-subscribed, parents would not have that element of priority for admission to the other school.

The Diocese of York support the proposal in that one of the two schools is a Church School and this gives those wanting a Church education the opportunity to choose this. The Diocese also believe this option gives parents maximum choice.

Given all this it is concluded that a shared catchment gives parents in a rural area a greater opportunity to attend an appropriate school based on their preference.

Carlton and Faceby Church of England Voluntary Aided Primary School is 3.4 miles from Swainby and Potto. It currently has 43 pupils on roll and a capacity of 56. This is a Church of England school. The last published Ofsted inspection report judged the school as Good.

Hutton Rudby Community Primary School is 3.5 miles from Swainby and Potto. It currently has 202 pupils on roll and a capacity of 210. The last published Ofsted inspection report judged the school as Outstanding.

There are two other primary schools in the local area:

Osmotherley Community Primary School is 3.7 miles from Swainby and Potto. It currently has 42 pupils on roll and a capacity of 70. The last published Ofsted inspection report judged that the school Requires Improvement.

Kirby and Great Broughton CE Primary School is 5.7 miles from Swainby and Potto. It currently has 119 pupils on roll and a capacity of 126. This is a Church of England school. The last published Ofsted inspection report judged the school as Good.

For any children currently at Swainby and Potto CE VA Primary School, North Yorkshire County Council would work with each family to try to meet their individual preferences for other schools.

Parents have a right to express a preference for any school and, in the case of community and voluntary controlled schools, the relevant Local Authority is the admissions authority and will meet that preference provided there are vacant places. In the case of Voluntary Aided schools, the governing body decide the conditions for admission to their particular school. Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

Impact on the community

A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

In some communities the school is the only community space. In this case there is a Village Hall and there is also a Church Hall behind the Parish Church. The Church Hall is a relatively new building with meeting facilities and toilets. The Village Hall has meeting facilities and toilets and has been the centre of village events for 150 years, in its former guises as the Oddfellows Hall, Whorlton Village Hall and Whorlton Recreation Rooms. It seats 100, has both a large meeting room for up to 40 and a small meeting room for up to 20, a fully equipped kitchen and wi-fi available.

There is also a church in the village, a short walk from the school. Children from the school visit the Church and there would be an impact, in that these visits would decline.

The school playing field is owned by the County Council. The County Council would need to obtain the consent of the Secretary of State to sell the playing field. If consent was granted, the proceeds would have to be invested in physical education in the two schools whose catchment areas are expanded.

At this stage it is unclear what would become of the school buildings. The trustees of the Swainby and Potto school buildings are the vicar and church wardens from the parish of Whorlton on behalf of the Diocese of York. However, since the school was built using public funds rather than funded by the trustees, the local authority can lay claim to the sale proceeds. Therefore the decision on the building's future would be a Diocese and a local authority decision. Legal advice is being sought on the disposal process.

One option is for the Diocese to lease out the building. Another is for it to be sold and any capital receipt from the disposal of the school would be determined with reference to the appropriate legislation and regulation which includes Schedule 1 to the Academies Act 2010 and also reference to the above point about lack of private investment by the trustees.

Balance of denominational provision

Where the school has a designated religious character, a statement about the impact of the proposed closure on the balance of denominational provision and impact on parental choice in the area.

Swainby and Potto is a Church of England Voluntary Aided Primary School. If the proposal is approved, the area currently served by the school would in future be served by a voluntary aided Church of England School, Carlton and Faceby CE VA, and also by a community school, Hutton Rudby. This proposal is not considered to have a detrimental impact on the balance of denomination provision and parental choice in the area, due to one of the receiving schools being a Church of England school and also the number of church schools along the Stokesley corridor.

This point is summarised by the Diocese of York in their response to the Stage 1 consultation on the proposal, which says that:

“The Diocese of York supports the proposal for the closure of Swainby and Potto CE Primary School....the Diocese accepts that....children would be better served by accessing neighbouring schools, some of whom are existing church schools.”

The Diocese is supporting governors with the consultation and given the availability of places at other local Church of England schools has expressed no specific concerns about the proportionality of places in the area. In addition, although the local authority should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area, this guidance does not apply in cases where the school is severely undersubscribed.

Rural primary schools

Where proposals relate to a rural primary school designated as such by an order made for the purposes of Section 15 (Education and Inspections Act 2006 (EIA), a statement that the local authority or the governing body (as the case may be) considered Section 15(4) EIA.

As Swainby and Potto CE VA Primary School is designated as a rural school there are some particular considerations for the proposers of any closure. There is a presumption against the closure of rural schools. This does not mean rural schools should not close. It means that the ‘case for closure should be strong and the proposal must be clearly in the best interests of educational provision in the area’.

Proposers must demonstrate that they have considered the following:

- The likely effect of the discontinuance of the school on the local community;
- Educational standards at the school and the likely effect on standards at neighbouring schools
- The availability and likely cost to the LA of transport to other schools;
- Any increase in the use of motor vehicles which is likely to result in the discontinuance of the school and the likely effects of any such increase; and
- Any alternatives to the discontinuance of the school

These are examined in turn below.

The likely effect of closure of the school on the community

Please see the section above ‘Impact on the Community’

Educational standards at the school and the likely effect on standards at neighbouring schools

The number of children attending the school has fallen. In January there were 14 children in school but at the time of the consultation evening on the current proposal on 10th May there were 9 on roll. In these circumstances, it is considered difficult for teaching staff to deliver an age appropriate curriculum to such small groups of children.

There are also concerns around achievement and access to a quality experience. The Ofsted inspection of Swainby and Potto Church of England VA School reported that the school “*Requires Improvement*” and that the school should improve the quality of teaching and improve the achievements of pupils.

It was considered likely by Local Authority Education Advisers that, if the school were to be re-inspected, it would not be deemed to have made the required improvements nor have the capacity to do so in the future.

The Ofsted inspection of Ingleby Arncliffe Church of England Voluntary Aided Primary School in March 2017 reported that the quality of teaching and learning is “Inadequate” and that therefore the school requires special measures. There is concern that the Swainby and Potto School would be at risk of also being deemed inadequate, since it shares the same staff and resources.

Legislation requires schools in special measures to become an academy or close. There would seem to be no potential for the school to convert to academy status or to join a multi academy trust because it would not meet tests of due diligence due to its small size.

It is therefore proposed that the catchment areas of Carlton and Faceby Church of England Voluntary Aided Primary School and Hutton Rudby Community Primary School should both be extended with effect from 1st January 2018 to serve the area currently served by Swainby and Potto. Carlton and Faceby CE was rated as a good school at its last Ofsted inspection and Hutton Rudby Community Primary School was rated as an outstanding school at its last Ofsted inspection. It is not considered that the proposed closure of Swainby and Potto CE VA Primary School would have any detrimental effect on standards at neighbouring schools.

The availability and likely cost to the LA, of transport to other schools and any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase

The County Council’s Home to School transport policy sets out that free school transport will be provided to the catchment school or nearest school to a child’s home address if it is over the statutory walking distances set out by law. This is:

- Two miles for children under eight years of age;
- Three miles for children aged over eight; or
- where the route to the catchment or nearest school is not safe to walk accompanied by a responsible adult.

If the nearest catchment or nearest school is full, transport will be provided, in accordance with the authority's transport policy, to the nearest school with places available.

Children from low income families (children entitled to free school meals or whose parent are in receipt of the maximum level of Working Tax Credit) have additional eligibility criteria for additional home to school transport and details are available on the County Council’s website at <http://www.northyorks.gov.uk/article/26071/School---travel-support>

There is also additional eligibility criteria for transport to denominational schools (details available on the County Council’s website) but this will change in 2018.

Staff from the County Council's Admissions and Transport team have met with parents of Swainby and Potto School during the consultation period to advise on individual implications to parents. If a parent is informed that they are not entitled to transport they may, if they wish, contact the Transport Team in writing with their particular individual circumstances, which would be reviewed by Senior Officers before an appeal would be offered.

If the school closed, there would be a potential additional cost to the Local Authority in providing transport to other local schools. Free home to school transport would be provided for entitled pupils within the enlarged catchment area in accordance with the County Council's Home to School transport policy. Based on current pupil numbers and places of residence there could potentially be additional transport costs initially, depending on whether a fleet minibus can be re-routed. It is possible, however, that additional taxis may be needed. If an additional minibus is needed that would cost in the region of an additional £28k per year. Parents would then be offered an allowance of 30p per mile for 4 journeys per school day. This would be met from the County Council's Home to School transport budget. The increase in traffic likely to result from the closure of the school is considered to be minimal given the small number of pupils.

The shared catchment proposal, like the closure proposal, could have implications for increased transport costs. The closure proposal could lead to increased home to school transport costs compared to the current position. In the event of closure a small number of children who do not currently qualify for transport on distance, would do so, when attending their new school. In addition, a shared catchment area could result in increased home to school transport costs compared to a split catchment area. This is not necessarily on the basis of additional children qualifying but it may add complexity to the travel arrangements such that increased costs arise. This depends on the future pattern of attendance from the current Swainby and Potto catchment area at both Hutton Rudby and Carlton and Faceby not only in 2017/18 but beyond which is of course much more difficult to predict.

If it is agreed to close Swainby and Potto CE Primary School then the County Council would work with individual families of children attending Swainby and Potto CE School to look to accommodate their preferences for alternative schools where possible. Discretion can be exercised where appropriate in providing support for home to school transport outside the criteria set out in the policy.

Concern has been expressed over timely entitlement to transport to receiving schools, given that pupils are starting new schools in September, while the school would not close until December. The NYCC Home to School Transport Policy states that, "Transport assistance following a school closure or reorganisation will be determined by the Council....at the time the closure notices are determined and may vary depending upon circumstances".

For the potential closure of Swainby and Potto School the approach set out below will apply should the matter proceed to the publication of statutory notice.

During August 2017 the NYCC Admissions Team will undertake preliminary assessments of transport entitlement for children who:

- Attended Swainby and Potto School at the time the consultation process commenced in April 2017
- and
- Transferred to either Carlton and Faceby or Hutton Rudby School after the consultation commenced
- and
- Are resident in the catchment areas of Swainby and Potto, Hutton Rudby or Carlton and Faceby schools in August 2017

The Executive are scheduled to make a final decision on the closure on 5 September 2017 and their decision will be subject to a call-in period which is 5 working days after publication of the decision. Confirmation of the decision will therefore be expected on or around 15 September 2017.

Should the decision be that closure on 31 December 2017 is confirmed then transport assistance will be arranged for qualifying children to commence as soon as is practicably possible after 15 September 2017. Interim measures may be required such as the offering of a parental allowance.

It is not possible to pre-empt the decision of the Executive so transport arrangements cannot be put in place prior to this. Only if exceptional circumstances apply to an individual case will transport entitlement be considered in advance of this timetable.

These arrangements are in recognition of the length of time between the confirmed decision date in September and the closure date in December.

Any alternatives to the closure of the school

The Governing Body and officers from the County Council and Diocese have explored alternatives to the closure of the school.

A number of alternatives, including amalgamation, have been considered and some of these have been attempted. The governing body's concerns over decreasing numbers and the negative impact this decline has had on the school's finances has led them first to work within the Mount Grace Federation and then to look at collaboration. The Mount Grace Federation of three schools was an alternative to the current proposal, which did not succeed.

The informal collaboration with Ingleby Arncliffe, which involved the sharing of staff and resources, including a school site, was another alternative which has not succeeded. Amalgamation was another alternative, which was formally consulted on by governors, again in an attempt to retain a viable local school.

It is not considered viable to do nothing, given the low numbers, increasing deficit and inadequate Ofsted judgement. It is considered that there is no potential for the school to convert to academy status or to join a multi-academy trust because it would not meet tests of due diligence due to its small size and financial position.

Maintained nursery schools

Not applicable

Provision for 16-19 year olds

Not applicable

Special educational needs (SEN) provision

The existing provision at Swainby and Potto is not reserved for pupils with special educational needs.

Travel

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will work to limit increased car use.

Eligibility for home to school transport will be determined in line with the County Council's current home to school transport policy and procedures based on each child's home address and individual circumstances.

Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

There are other schools within reasonable travelling distance with places available currently. Hutton Rudby CP is 3.5 miles away; Carlton and Faceby is 3.4 miles away; Osmotherley CP is 3.7 miles away; Appleton Wiske is 9.7 miles away; Brompton CP is 8.3 miles away; Kirby and Great Broughton CE is 5.7 miles away; Stokesley Primary is 6.2 miles away; and Bilsdale, Midcable, Chopgate CE is 8.3 miles away.

Parents will be reminded of the County Council's home to school transport policy when considering alternative schools. Pupils up to the age of 8 would normally be eligible for free home to school transport if they live more than 2 miles from their normal area school (or 3 miles for those over the age of 8). Parents can always express a preference for a school other than their normal area school however they would usually be responsible for making transport arrangements. Eligibility is assessed on an individual basis taking into account the child's home address.

North Yorkshire County Council's Home to School transport policy states that 'Transport will be arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school or 45 minutes to a primary school. Journey times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.' This is in line with statutory guidance from the Department for Education. The journey time for children living within the current Swainby and Potto CE VA Primary School catchment area would depend on which other school they attended and their home address but the journey from Swainby and Potto to Hutton Rudby Primary School is approximately 12 minutes and the distance is 3.5 miles, while the journey from Swainby and Potto to Carlton and Faceby is approximately 6 minutes and the distance is 3.4 miles .

Consultation

Decision-makers will need to be assured that consultation has taken place, and that the statutory process has been adhered to. Therefore proposals should include evidence that the period of statutory consultation took place, and the results of that consultation.

The decision to consult was taken by the Governing Body on the 3rd April 2017. On 19th April 2017 the consultation paper was considered by the governing body meeting and agreed for publication. (Consultation Paper attached as Appendix 1.) A consultation period ran from 28 April to 9 June 2017. Consultation documents were sent to all parents of pupils at Swainby and Potto Church of England Voluntary Aided Primary School, to staff, and to governing bodies of other local primary and secondary schools, as well as to local Councillors, the Diocese, local parish and district councils, unions and professional associations and the local MP. This includes those stakeholders required to be consulted under the rural schools presumption. (A list of the consultees is attached as Appendix 2.)

A public meeting was held at the church hall on 10th May 2017 and was attended by 27 members of the community. (Appendix 3 provides the minutes of the public meeting.)

The responses to the consultation are attached as Appendix 4.

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE by 5pm on 21st July 2017.

Appendix 1: Consultation Paper

Appendix 2: List of the Consultees

Appendix 3: Notes of the Public Meeting

Appendix 4: Consultation Responses



Swainby and Potto C of E (VA) Primary School

Consultation Document

**Proposal to close Swainby and Potto Church of
England Voluntary Aided Primary School with
effect from 31st December 2017**

Swainby and Potto Church of England Primary School

Swainby

Northallerton

Consultation on a Proposal to Close the School from 31st December 2017

I am writing to let you know that the Governing Body has decided to consult on a proposal to close the school.

The Governing Body has not reached this decision lightly and has examined different options. The Governing Body now feels that this decision is in the best interests of the school. It is proposed that the school will close with effect from 31st December 2017.

Enclosed is a copy of the Consultation Document that sets out the position in which the school finds itself and will allow you to formally provide your views on the proposal. You can also see the consultation document online by visiting the dedicated website provided by the Local Authority:

<http://northyorks.gov.uk/article/23998/Childrens-services---consultations>

You can respond to the proposal either in writing by sending the response sheet attached to the freepost address given in the document; or online by following this link:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=149200032616>

The closing date for the submission of responses is **Friday 9th June 2017**.

As part of the consultation process a Public Meeting will take place to allow anyone who wishes to make their views known in person to do so. This event will be attended by representatives of the Governing Body; the Diocese and the Local Authority. It will take place on:

Wednesday 10th May at 7pm

at Swainby Church Hall, Swainby

We would like to take this opportunity to thank you for your continuing support for the School and to encourage you to take part in the consultation process by attending the Public Meeting and by submitting a response sheet.

There is also a separate proposal to close Ingleby Arncliffe CE VA School to the same time-scale for similar reasons. However, that is a separate consultation and if you have any comments on that proposal please respond to the separate consultation paper.

The Governing Body of Swainby and Potto Primary School, Swainby



Swainby and Potto C of E (VA) Primary School

April 2017

This paper sets out details of a proposal to close Swainby and Potto Church of England Voluntary Aided Primary School with effect from 31st December 2017. It gives the background to the proposal. There will be a public meeting on:

Wednesday 10th May at 7pm

At Swainby Church Hall

The Current Position

The Governing Body of Swainby and Potto Church of England Voluntary Aided Primary School has decided to consult on a proposal to close the school.

The Governors have worked closely with officers from the Diocese of York and North Yorkshire County Council. They consider that the closure is necessary to secure the interests of current and future pupils from the school.

The Governing Body has not reached this decision lightly and has already considered alternatives, such as working with other schools to make sure that good standards of teaching and learning will be available for all pupils.

There is also a separate proposal to close Ingleby Arncliffe CE VA School to the

same time-scale for similar reasons. However, that is a separate consultation and if you have any comments on that proposal please respond to the separate consultation paper.

The previous three-school "Mount Grace" federation with Ingleby Arncliffe CE VA Primary School and Osmotherley Community Primary School was dissolved in January 2017, although informal collaboration between Swainby and Potto and Ingleby Arncliffe Church of England Voluntary Aided Schools continues. The pairing of these schools reflects their shared status and Christian values as Voluntary Aided schools. There is currently no substantive Headteacher in post at the school. Interim leadership support is being provided to both schools by a single Interim Headteacher (and previously by the executive Headteacher from the Mount Grace Federation). It is

not considered sustainable to continue with interim arrangements into the future even if such arrangements could be put in place.

There are four key concerns: 1) Very low pupil numbers; 2) Breadth of curriculum experience; 3) The school's financial position; 4) Leadership.

Pupil Numbers

The number of children at Swainby and Potto School has been falling gradually over the past few years. At the time of publication there are now only 9 pupils in school. However this number is subject to any changes that may be requested by parents and we will update the number at the public meeting. The school is designed to accommodate up to 84 pupils. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further, given the three Year 6 pupils leaving in July and that no new children are joining Reception in September.

The proportion of parents living in the catchment area and choosing to send their children to other schools has been increasing each year. In the current academic year only 9 of the 33 children living in the school's own catchment area currently attend the school.

In these circumstances, it is considered difficult for teaching staff to deliver an age appropriate curriculum to such small groups of children. This has been recognised in the informal working arrangements with Ingleby Arncliffe which the school has introduced.

Quality and Breadth of Curriculum

As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the quality and full range of experiences they need.

The most recent Ofsted inspection of Swainby and Potto Church of England VA School was in June 2015. At this time Ofsted reported that the school "Requires Improvement" and that the school should improve the quality of teaching and improve the achievement of pupils.

As numbers have fallen further since then, the school governing body, the Diocese of York and North Yorkshire County Council have become concerned that pupils are not having access to a high quality curriculum and to the full range of experiences they need, particularly opportunities for working and playing with children their own age. For example, when there are only one or two children in a year group, it is difficult for pupils to share and compare the same work.

There are now only two children in Key Stage 1 and no new Reception children will join the school in September.

It is likely to become more difficult to ensure a high quality curriculum and to meet children's educational and social needs, even with the existing partnership with another local Church of England Voluntary Aided school in Ingleby Arncliffe. These concerns about being able to preserve the quality and breadth of the curriculum are the key concerns arising from the rapid decline in pupil numbers.

It is considered likely by Local Authority Education Advisors that if the school were to be re-inspected that it would not be deemed to have made the required improvements nor have the capacity to do so in the future. There is concern that the school would be at risk of being deemed inadequate. This re-inspection can take place anytime from July 2017. It is likely to be shortly after that date since Ingleby Arncliffe has recently been inspected. The outcome of this inspection will not be known for some time.

The Financial Position

Pupil numbers determine the school budget. With these lower numbers, and a reduced budget, the school may have to further reduce staff.

Examination of the predicted financial position has led to concerns about the school's ability to preserve the quality of education. The school is predicting an in-year financial deficit for 2017/18 significantly increasing for 2018/19, and a higher deficit for 2019/20. The two schools currently operate on shared staffing and resources, including one school site, but even under these combined circumstances the schools have been unable to demonstrate financial viability going forward. In the 2017/18 financial year there is a predicted deficit of £56,900 across the two schools rising to £257,000 in 2019/20 showing the immediacy of the situation and that there is a need for consultation now. The financial forecast is based on 20 pupils across the two schools but the current pupil number now falls below that originally assumed and increases the forecast deficit further. Even with the lower numbers existing staffing levels may be required to be maintained. With

the low pupil numbers predicted all children may be taught in a single class but a single class across the 4-11 age range is not advised. Changes to school funding formulas are likely to make the school even more financially vulnerable and the Local Authority will have increasingly limited ability to provide on-going financial support to schools in this position.

Leadership

There is currently an interim Headteacher in post shared by both schools. Given the very low number of pupils entering the school it is considered that an attempt to recruit a substantive Headteacher with the caliber to make the necessary improvements is unlikely to be successful. The current interim arrangements cannot continue into the future. Without secure leadership the quality of teaching at the school is at further risk.

The Proposal

For the reasons outlined above it is proposed that Swainby and Potto CE VA Primary School should close with effect from 31 December 2017.

The nearest local school, 3.4 miles from Swainby and Potto School, is Carlton and Faceby Church of England VA School. This is also a Church of England Voluntary Aided School.

There is also Hutton Rudby Community Primary School which is 3.5 miles from Swainby and Potto School. However, this school may be nearer for some pupils. Those living within the parish boundary of Potto would be closer to this school.

Both of the above schools have capacity to take additional pupils and both have indicated a willingness to do so.

There are also places available at Stokesley Primary School, which is 6.2 miles from the school, and Osmotherley Community Primary School, which is 5.7 miles from it. Both schools are approximately six miles away and a similar travelling time by road.

It is proposed that the current catchment area is divided to take account of the geography of the area. This would mean that the catchment area of Hutton Rudby Community Primary School would be expanded to include the Potto parish area of the current Swainby and Potto catchment area.

The catchment area of Carlton and Faceby CE VA School would be expanded to include the remainder of the Swainby and Potto catchment area. A map of the proposed new catchment area is attached.

Consultees may prefer to see a different arrangement for future catchment areas and they are invited to comment on this in the response to the consultation. The views expressed in the consultation on redrawing catchments will be considered and factored in to any final closure proposal.

For any children currently at the school, North Yorkshire County Council would work with each family to try to meet their individual preferences for other schools.

Eligibility for home to school transport will be determined in line with the County Council's current home to school transport policy and procedures based on each child's home address and individual

circumstances.

Parents have a right to express a preference for any school and, in the case of community and voluntary controlled schools, the relevant Local Authority is the admissions authority and will meet that preference provided there are vacant places or the school is happy to admit above the published admission number. In the case of Voluntary Aided schools, the governing body decide the conditions for admission to their particular school. Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

North Yorkshire County Council's Admissions Team is always happy to give advice to parents – please contact Jill Wilson 01609 534825 or Lisa Herdman 01609 534953.

Staff

A separate consultation process, including a staff meeting, will run in parallel with the consultation on the closure proposal.

Impact on Community

As Swainby and Potto Church of England VA Primary School is designated as a rural school it is important to take into consideration the impact on the community of any school closure. In some communities the school is the only community facility. In this case there is a village hall in Swainby, refurbished in 2012, which seats 100, with a large meeting room for up to 40, a small meeting room for up to 20, a fully equipped kitchen and wi-fi available. There is also a Church Hall behind the Parish Church.

Potto also has a Village Hall located in the centre of the village, close to the Parish Church which offers a range of facilities within accessible indoor and outdoor space which is available to hire for a range of activities and events.

The Building

Any decision about the future of the site and the buildings would be taken separately from the decision on whether to close the school. However, for information the following might happen, should the proposal be supported.

The school playing field is owned by the County Council. If the playing field were sold, Section 77 of the Schools Standards and Frameworks Act 1998 determines that the proceeds have to be spent on sport and in this case it would probably be on improving sport in the school(s) whose catchment area is expanded.

At this stage it is unclear what would become of the school buildings. The trustees of the Swainby and Potto school buildings are the vicar and church wardens from the parish of Whorlton on behalf of the Diocese of York. However, since the school was publically funded rather than by payment from the trustees, the local authority can lay claim to the sale proceeds. Therefore the decision on the building's future would be a Diocese and a local authority decision. One option is for the Diocese to lease out the building. Another is for it to be sold and any capital receipt from the disposal of the school would be determined with reference to the appropriate legislation and regulation which includes Schedule 1 to the Academies Act 2010 and also reference to the above point about lack of private investment by the trustees.

Should the proposal be supported, the grounds and building would be maintained while decisions on its future

are taken. While the options are appraised, the grounds and building would be maintained, in a reduced form, in partnership between the Diocese and the LA. Also, at this stage, there are no proposals to secure the site with security fencing and if there were ever a proposal to erect security fencing, this would be the subject of planning approval.

What Happens Next?

Your views about this proposal are welcomed. You can either complete and return the attached response sheet, or submit an online response

Paper responses should be returned to North Yorkshire County Council, who are administering this consultation on behalf of the governors of the school, at the address below:

FREEPOST RTKE-RKAY-CUJS
Swainby and Potto
Strategic Planning
North Yorkshire County Council
County Hall
NORTHALLERTON
DL7 8AE

Online responses may be submitted by following the link on the response form below.

The closing date for responses is **9th June 2017**. All responses to the consultation received by this date will be considered by the School's Governing Body in July 2017.

If the Governing Body decides to proceed with the closure proposal, then statutory notices would be published in the local press. These notices provide a further four weeks for representations to be made. A final decision would be made by

North Yorkshire County Council's Executive Committee in September 2017. If agreed the school would close on 31 December 2017.

Key Dates

All dates are subject to approvals at each stage.

Consultation opens	28 April 2017
Public meeting	10 May 2017
Consultation closes	9 June 2017
Governing body considers consultation response	4 July 2017
Statutory Notices published	7 July 2017
Representation period ends	4 August 2017
Final decision by NYCC	5 Sept 2017
School closure	31 Dec 2017

Please detach this page before posting

Or respond electronically to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=149200032616>

Swainby and Potto Church of England Voluntary Aided School

A consultation on whether the school should be closed

What are your views on the proposal?

In the table below, please tick in the appropriate column:

	Swainby and Potto CE VA Primary School	Other school (please name)
I am a pupil at...		
My child(ren) attend...		
My grandchild(ren) attend...		
I work at...		
I am a governor at...		
I live close to...		
Other connection (please state)		

Please turn over

Signed..... Date.....

Name (BLOCK CAPITALS)

Address

.....

.....

Postcode

To help us assess whether we have provided clear information, please let us know whether you found this consultation easy to understand YES/NO

Do you have any suggestions for improvement?

.....

Under the provisions of the Freedom of Information Act 2000, responses to the consultation may be accessed by members of the public.

Thank you for taking the time to read this document and submit your views.

Please send this response sheet to the following 'FREEPOST' address.
You do not need to use a postage stamp.

Freepost RTKE-RKAY-CUJS
Swainby and Potto CE VA Primary School
Strategic Planning
North Yorkshire County Council
County Hall
NORTHALLERTON
DL7 8AE

The closing date for responses is 9th June 2017.

Swainby & Potto CE VA Primary School - List of Consultees

Parents of pupils:

Staff of school:

Governors of school:

Diocese:

Headteachers and Chairs of Governors
of other local primary and secondary schools
with a 5 mile radius of school:

Hutton Rudby Primary

Kirkby & Great Broughton CE Primary

Carlton & Faceby CE Primary

Ingleby Arncliffe CE VA Primary

Osmotherley Primary

Bilsdale, Midcable, Chopgate CE Primary

Stokesley Primary

Unions and Professional Associations:

Interest / user groups nominated by the school:

Local county councillors:

Cllr Bryn Griffiths

District councillors:

Cllr David Hugill

Local district:

Hambleton District Council (contact us)
North Yorkshire Moors National Park (contact us)

Local MP:

Rishi Sunak MP

Secretary of State:

School Organisation Team

Local Early Years providers within 5 miles:

Goulton Grange Day Nursery

Hutton Rudby Playgroup &

Pre-School

Jane Reed

Jennifer Baines

Kirkby & Great Broughton Nursery

Osmotherley Pre-School

Yvonne Robinson

Parish councils:

Potto

Whorlton

Parochial Church Councils:

Swainby

[Rev L Ship](#)

Internal distribution:

Andy Lancashire

Governor Support

School Admissions

Passenger Transport

Minute of a Public Meeting concerning Swainby and Potto Voluntary Aided Church of England Primary School.

Meeting held on 10 May 2017 at Swainby Church Hall

Present:

David Jackson, in the Chair (Chair of Governing Body); Andrew Dixon (Strategic Planning Manager), Andrew Smith (Director of Education, *Diocese of York*), Sharon Daly (Interim Headteacher of Ingleby Arncliffe School), Mark Ashton (Strategic Planning Officer), Chelo Brooks (Foundation Governor), Alison Smith (Foundation Governor), Bryn Griffiths (County Councillor), Jo Mackle (Lead Adviser), Stuart Kerr (Governor), Suzanne Kerr (Parent), Andy Lawton (PCC), Rev Linda Sharp (PCC), Kay. B. Mazingham (PCC), Andrew Wilde (Governor), Ruth Fraser (Resident), Angela Wilson (Resident), David Hugill (HDC Ward Member) Gordon Clarkson (Reader Whorlton Benetise), J.J Place (Resident, Parent of ex pupil), Caroline Seymor (Governor), Shaun Mason (Resident), Jackie Beadle (Parent), P. Ilynge (Church), L.A. Moore (Resident Potto), C.A. Moore (Resident Potto), W. Gregory (Resident), Lorna Kessell (Church Warden).

Apologies:

Robin Cook, Dolly Hannon, Carol Cook, Amanda Fiondi.

27 people were present.

Agenda

1. Welcome – David Jackson – Chair of Governors
2. Opening Remarks - Chair of Governors
 - a. Introduction to the Panel
 - b. Consultation Process
3. Governors Decision to Consult on Closure – Vice Chair of Governors
4. Standards and Finance – Chair of Governors
5. Diocesan Statement – Andrew Smith, Director of Education, *Diocese of York*
6. Local Authority Statement – Andrew Dixon, Strategic Planning Manager, NYCC
7. Question and Answer Session
8. Closing Remarks – David Jackson, Chair of Governors

1. Welcome

The Chairperson opened the meeting at 7pm. He introduced himself as the Chair of Governors for *Swainby and Potto* and *Ingleby Arncliffe* Primary Schools.

David Jackson said the school governors were currently working through a school organisation process around their proposal. He said that a key part that process required governors to consult widely on their proposal and this meeting is a key part of that consultation process.

David Jackson said he would start with introductions and ask each of the panel members to introduce themselves. Andrew Smith, Director of Education from the Diocese of York, Andrew Dixon, Strategic Planning Manager NYCC, Sharon Daley, Interim Headteacher of Ingleby Arncliffe, Jo Mackle, NYCC's lead adviser for the north of the County, and Chelo

Brooks and Alison Smith, both Foundation Governors, each then introduced themselves to the meeting.

The Chairperson outlined the agenda saying that there would be an opportunity for questions and answers following comments on the proposal by the Vice Chair and a statement by the Diocese of York. The Vice Chair, Mick Hannon, then gave a short statement on how governors came to their conclusions.

2. Decision to Consult

Mick Hannon said that he had recently become a governor of Swainby and Potto Church of England Voluntary Aided Primary School. He had done so to ensure the consultation on the closure proposal was transparent. During the previous consultation on amalgamation he had let his views on perceived bias over choice of school be known.

In particular, the Vice Chair continued, at the last public meeting he had been very critical of the lack of transparency by governors, the local authority and the Diocese. He promised that would not happen in the future and so became a governor of the school.

Mr Hannon said that in the spirit of openness and transparency he wanted to pick up from the previous consultation on amalgamation and the previous public meeting.

In his view, the previous consultation document proposing amalgamation was a poor document and he had made this view known to governors and others. On the basis of the consultation document being poor in his view, and the amalgamation proposal in his view biased, no decision was made and the governors did not recommend closure of Swainby.

Following that decision there was, in his view, a window of opportunity to keep Swainby and Potto School open. It required an independent analysis of the merits of the two school sites. If that independent analysis had determined objectively that Swainby and Potto would close he and the community would get behind the decision.

However, that was not done. Instead, shortly after the governors meeting and decision, there was a meeting on the way forward. Local Authority officers who had helped governors to write the consultation document and who had written the report on the outcomes of the consultation to governors were at the meeting.

At the meeting a Local Authority Adviser explained to governors that the quality of education that the children were receiving was poor and that efforts by advisers to increase the quality of education had failed. An Ofsted inspection was due immanently. The previous Ofsted inspection reported that the school "Requires Improvement" and we were told that it is considered by Local Authority Education Advisers that it would not be deemed to have made the required improvements nor have the capacity to do so in the future. There is concern that the school would be at risk of being deemed inadequate and this could force closure.

Mr Hannon explained that some governors wanted to bring Ofsted in and to force the issue. But others felt pupils would feel they had failed in some way and that it would be better for the school to close with dignity and voluntarily.

That's when the decision was taken, Mr Hannon concluded. In terms of transparency and honesty that is where we are and why we are here.

3. Comments from the Chair of Governors.

The Chair of Governors continued Mr Hannon's theme, explaining that it was apparent that the quality of education was unacceptable and this has just been confirmed by the inadequate judgement by Ofsted. The Ofsted report on Ingleby Arncliffe, which is now public, says this and governors would expect the same result for Swainby since it is the same teachers. Governors did not feel confident the school could provide the breadth of educational and social experiences required in a school.

The Ofsted report is now in the public domain, said David Jackson. The Ofsted judgement confirms local authority advisers predictions on quality, and the school would be forced to close. This is because Special Measures leads to forced academisation but no academy would take the school on with the pupil numbers and finances as they are.

David Jackson said that following the previous consultation on the amalgamation of Swainby and Potto School and Ingleby Arncliffe School it became clear that the amalgamation proposal could not be taken forward since neither school could really carry on. The underlying reasons for the closure proposal, were the high financial deficit, declining pupil numbers and concern over the educational experiences for the children.

Financial difficulties had already been a concern to governors to the extent that the two schools were already teaching their pupils together. On this basis the financial forecast was modelled on 37 children across the two schools and predicted a £65k deficit. However, the more recent financial forecast was modelled on 20 children and predicted that the two schools together would be around £200k in arrears in the longer term.

The deficit is largely because pupils numbers are reducing. Pupil numbers have declined steadily over a period of time but worryingly, the number of parents choosing to send their children to other local schools has increased.

David Jackson said that this is a second consultation process. He told parents promptly about the decision to consult on the proposal. He wanted to tell them straight away and this has had a significant impact on the remaining pupils, since many have now decided to leave.

David Jackson concluded that last time Swainby and Potto governors decided not to proceed but it is highly likely that they will proceed with this proposal, given the low numbers and also the dire finances. It is impossible to put a financial recovery plan in place.

The Chair concluded that he had been Chair of governors in challenging circumstances and that this was not the outcome that he expected when he agreed to support the schools.

Mr Jackson then asked Andrew Smith to give the Diocese of York's perspective on the proposal.

4. Comment from the Diocese of York

Andrew Smith, the *Director of Education* for the Diocese, said that the Diocese of York had no statutory responsibility for educational standards since that was through the local authority. However, while the Diocese is primarily concerned with promoting the Christian ethos in Church of England schools across the county, it does also get involved in the wider organisational issues.

Mr Smith said that the Diocese of York helped to run the Mount Grace Federation and, since the dissolution of the federation, had been proactive in providing support to the two Church schools.

Mr Smith thanked Mr Hannon for his description of the meeting that was held to discuss a way forward. He said that, although the Diocese of York is committed to a Church of England education being available, the meeting showed that the financial deficit had increased because it went from being based on 27 to 20 pupils and therefore increased further. So the finances were a key factor in that meeting.

Mr Smith said that when he looked at the finances, due to low pupil numbers and their reduction over a period of time, he agreed unfortunately that there is no viable recovery plan. Additionally there was considerable concern over teaching standards.

It is hard for a Diocese to support the closure of a Church school. But he has had to come to the conclusion that the school is not viable. .

The Diocese also knows that there are good alternative Church schools. Mr Smith said that there was good Church school provision along the Stokesley corridor area, with spaces available

In addition, he had come to the point where he had to consider what provision is in the best interest of the children. And regrettably that was to support the governors' proposal.

5. Comment from the Local Authority

Andrew Dixon, Head of Strategic Planning for NYCC, explained that North Yorkshire County Council is the statutory body for school organisation. He said that the authority does not close schools lightly but in this case is reluctantly but inevitably driven to that point by very low numbers.

Mr Dixon said that, to put this in perspective, there is only one other closure proposal being brought forward at the moment. This is because Members would not take a decision on a closure proposal lightly.

However, when finances, pupil numbers and standards impact on educational provision so significantly, decisions have to be taken in the best interests of the children

6. Comments from the Chair

The Chair said that the finances had to be untangled. It had taken until now to clarify the finances. The in-year deficit is now £41k. Governors had thought it was £27k, and the consultation document gives this figure, but it is now known to be £41k.

David Jackson then invited questions from those present.

7. Questions and Answers

A resident said that there should be one school left open as a hub for the area. They would like the school that remains open to be Swainby and Potto Primary School because it could be a good hub school.

David Jackson said that Osmotherley CP did not want to carry on as part of the Mount Grace Federation and the two Church schools had to respond to this situation very quickly.

Mick Hannon said that Osmotherley CP should be looked at. Osmotherley governors had voted with their feet, because they could, he added.

A Parent said that the reality is that parents have already decided the future of the school. In what ways the curriculum is inadequate should have been looked at.

Mick Hannon said that the whole process had made him angry. He was concerned that there had been no monitoring of student progress. Most governors were not aware of the standards issue and were only presented with the information on this in April.

A Resident said that the reality is that we cannot go back to that position. We are where we are now.

Andrew Smith said that the situation the Mount Grace Federation found itself in was unfortunately trying to manage the long-term sickness of the head. They did not know whether the head would return.

Mr Smith continued by explaining how leadership is very important in a school and that you cannot just bring someone in to cover it because you need someone of the calibre and also to know that the sickness absence is actually in the long term. Ultimately the Local Authority brought Harry Wood in to cover the headship across the federation for four days a week and then, when the federation was dissolved, Sharon was brought in to manage the two Church schools on an interim basis.

Mr Smith said that the leadership concerns go back to before the federation and in part were a reason for establishing the federation. However, the illness of the established headteacher was out of people's control and had to be managed in difficult circumstances.

Jo Mackle, the lead adviser for the locality, said that a huge amount of support had gone into the schools over an extended period. A member of her advisory team had spent a great deal of their time in Swainby and Potto School to support the situation.

Mrs Mackle said that an immense amount of work went in to support some staff who found it hard to adapt to the standards required. She said that some tough decisions had to be made but legally this can be difficult.

Mrs Mackle said that her role focusses on the quality of education, on answering the question: What are the children getting? Many aspects did improve, but not sufficiently.

Mrs Mackle said that the support goes back over a long time. It goes back to before the federation was established and that for some time everybody was trying to save the Church Schools. However, 50% of our village schools are small. While towns are growing the villages are shrinking and village schools are finding it increasingly difficult to survive.

Mick Hannon said that technically the employment in schools appeared to be geared towards people being allowed to draw sick pay for an extended period. He felt that the situation with the headteacher had been allowed to drift and this should not have been allowed.

A Resident said that these are radical proposals. But lessons should be learnt and these proposals should be adopted in the future, since even with all the input still we could not raise the standards.

A Parent said that they had sent 2 children to Swainby and Potto School. However, they did not receive in their view adequate responses to the questions they had posed. The situation faced by the school was never discussed thoroughly with parents, they said.

The Parent continued that they had been desperate for a solution to the school's situation. However, they felt there had been a lack of leadership. We should have been kept in the loop, they concluded.

A Governor said that there was a confidentiality issue around the head's illness and all could not be explained. There is a confidentiality aspect in employment rules, they explained.

The Parent said that they should still have been kept informed about the head, since children go through school for such a short space of time.

A Resident said that, while this is a consultation, closure appears to be a necessity. So, they asked, what are we consulting on?

Mick Hannon said that catchment areas were a significant area of the consultation. The different proposed catchment areas in the proposal had ramifications for transport eligibility, he added.

The Chair, David Jackson, said that there was a separate meeting arranged for parents with the Admissions and Transport team in which individual eligibility for transport can be discussed.

Andrew Dixon, Strategic Planning Manager, said that any comments on proposed catchment areas, or preferred catchment areas, would be welcome. This is a significant part of the consultation on preferences.

A Parent said that a number of parents had expressed concerns about the proposed split catchment areas. This could mean that they are not eligible for transport to the school that they prefer.

The Parent continued that a shared catchment area between Carlton and Faceby and Hutton Rudby would be the better option.

Andrew Dixon said that a shared catchment proposal is one option. This is a consultation, he continued, and we would welcome any comments on the idea.

Andrew Smith said that in the responses to the previous consultation it came out strongly that the two schools and communities look in different directions. One looks in the direction of Stokesley, the other to Northallerton. The thoughts on proposed catchments reflects this response.

Andrew Dixon explained that this is the first informal consultation. There is a further statutory consultation period, should governors decide to proceed further, and responses to this informal consultation could inform the proposal taken to the statutory consultation stage.

A Resident asked why Osmotherley CP is not also being considered for closure.

Andrew Dixon replied that it was because the school currently has a healthy number of pupils.

A Resident asked whether it was true that a new additional primary school is planned for Northallerton.

Andrew Dixon confirmed that a new school is proposed.

Mick Hannon said that there is concern in the community that when the school is closed and the disposal process is started, the building and grounds will not be maintained. The last thing the Parish Council want is the empty school site becoming a derelict site.

Mr Hannon said that the building and grounds would be maintained by the Local Authority and the Diocese and that if a security fence was proposed, and was of a certain height, planning permission would first be sought, if required.

David Jackson said that while it was likely there would be no children in school from September 2017, the school would actually remain open until December 2017. And the school had budgeted for maintenance work during this period.

Sharon Daley, the interim headteacher, said that there had been some graffiti recently and this had been removed from the school.

Mick Hannon said that there was also some concern about disposal of the site and what the school building could become. He said the Parish Council is taking a keen interest in what the site could be used for. Could it become a nursery?, he asked.

Mr Hannon said there was also the question of how to spend the Friends budgets, since in a sense this is public money. He said that there is £8k in the Ingleby Arncliffe Friends budget and £2k in the Swainby and Potto Friends budget and thought needed to be given on how to spend this public money. Maybe this money should follow the children, he suggested.

A Governor said the Friends money was raised by governors to pay for outings and other activities for the children. It was nothing to do with public money and it was up to them how to spend it.

Andrew Dixon said that the school playing field is owned by the County Council. There is a restriction that any proceeds have to be spent on developing sport. We would normally spend it on sport in the receiving school, he added.

Mick Hannon said that the play equipment in the school field could be relocated in Swainby village. He suggested that good use of it could be made in the village green.

A Resident said that the school's closure should also be a time of thanks-giving for all the things that have happened here. We should give thanks, they suggested.

A Resident asked whether local schools could cope with the children generated from housing developments proposed in the area.

Andrew Dixon replied that is the authority assessment that they can. He said that the authority makes careful forecast assessments which take into account any known housing developments in the area.

The Resident replied that there could be up to 20 houses.

Andrew Dixon replied that the authority works on a pupil yield of one pupil to every four houses and therefore this number of houses does not generate a significant number of children.

David Jackson said that both Hutton Rudby and Carlton and Faceby have a spare classroom that they could use, if needed. However, that requires them to employ another teacher and neither will do that lightly. They want to be very sure that more pupils are arriving and that they can therefore afford to employ more staff.

A Resident said that they felt that the village has been let down.

Mick Hannon said that people should apologise. They should say sorry.

A Resident asked, if the school field is sold, how does the County Council go about disposing of it.

Andrew Dixon replied that it is far too early to say. There is a decision on closure to make first.

Mick Hannon said that the Parish Council would be observant, and take a keen interest the planned use of the building and field.

Andy Lawton, a District Councillor with involvement in the National Park's plans, said that the National Park would be involved in any planning decisions regarding the disposal of land and buildings.

Andrew Dixon said he agreed and there would also be necessary legal checks on any restrictive covenants. He said that this is why he replied earlier to the question about use of the school field that it was too early to say.

Andrew Smith said that he wanted to clarify the ownership. Generally, in voluntary aided schools, the Diocese owns the buildings. While this is strictly speaking also true with Swainby and Potto school, the Diocese have no financial interest in the building.

Mr Smith explained that this is because it was originally conveyed in trust with no final payment by the Diocese. Therefore, if the building is disposed of, the money would ultimately go to the local authority rather than the Diocese.

Mr Smith said he wondered if that helped in answering the question about National Parks. They and the local authority would have to be involved.

The Chair then started to draw the meeting to a close.

8. Closing Remarks

David Jackson closed by thanking the meeting for their questions and saying that there were lots of comments to consider.

Mr Jackson reminded the meeting of the closing date for responses. He concluded by asking for responses to the consultation and said that all responses would be recorded.

Rev Linda Sharp, the vicar in the parish, said that it was necessary to have a proper ending to the school. Therefore there would be a thanksgiving service at the school.

Rev Sharp said it would involve different ways to celebrate the life of the school. It would be a service of thanks for past pupils and involving them and proposed it would take place on a Saturday.

The Meeting Closed at 8.10pm

MA
12 May 2017

Circulation:

Primarily as an Appendix - to **The Report to Governors** on the Consultation.

Chair and Vice Chair of Governors

Sharon Daly, Interim Headteacher,

Jo Mackle,

Andy Lancashire,

Andrew Smith,

Chelo Brooks,

Alison Smith,

Andrew Dixon

CONSULTATION RESPONSES TO SWAINBY & POTTO CONSULTATION

What are your views on the proposal?	Interest
No comments received	Village Resident
Agree with proposals in the document to split the catchment area as proposed. This saves transport costs and lets children be in the catchment area of their nearest school.	Ex Parent
Due to the current situation, educational worries, and recommendation to leave from the Chair of Governors / Head Teacher we felt we had no option but to remove our child from Swainby & Potto School. In the last year 6 children from the Swainby & Potto catchment area have moved to Hutton Rudby School, with another 2 or 3 joining in June. With other families opting to go to Hutton Rudby as their first choice school this means a high percentage of Swainby and Potto catchment children attend this school. I don't know the exact figure but it's in the region of 20 children going to Hutton Rudby and 5 going to Carlton. I would therefore ask that Hutton Rudby can also be looked at as a suggested catchment school as it seems to be the most popular choice with parents. I do know that some parents have recently had application to Hutton Rudby turned down and have chosen Stokesley as their 2nd choice. Unfortunately, I think parents are frightened to choose Carlton as it is another small village school, now after what we have experienced with the amalgamation / closure all we want is stability not the worry of going through a similar situation in 5/6 years' time. I would also like to say that If transport could be provided from Swainby & Potto to Hutton Rudby then this would help alleviate the traffic congestion currently experienced by residents and parents. I do think NYCC should take some responsibility for transport /costs as we as parents have been forced to move its not through our own choice.	Ex Parent
The Diocese of York supports the proposal for the closure of Swainby and Potto CE Primary School having worked with the Local Authority and governing bodies on finding a way forward. Faced with declining numbers, a reduction in the quality and breadth of the curriculum, an unrecoverable budget deficit forecast and the inability to recruit effective long term leadership, the Diocese accepts that, in the best interests of the children, those children would be better served by accessing neighbouring schools, some of whom are existing church schools. The inspection of Ingleby Arncliffe CE Primary (found to be inadequate and requiring special measures) has strengthened the case for closure as no sustainable Academy solution would be found due to the low pupil numbers and deficit financial predictions. In the meantime, the Diocese continues to fully support the interim leadership and the governing bodies of the two schools in their current situation as much as possible.	Diocese
Further to the meeting on the 10th May 2017, one can see the viability of the longer term decisions for youngsters from Potto to be included in the Hutton Rudby School intake present and future and similarly for Swainby pupils to proceed to Carlton and Faceby C.E. School, but in respect of the existing pupils there should be a current provision for them, where possible to be able to attend of their choice if they have developed important and significant peer dependant relationships during their times at the Swainby/Potto C.E. School. Furthermore , in respect of the Swainby Schools existing premises it could be most helpful for the village if the North Yorkshire Moors Park Authority might be able to give some consideration as to making this into a Community Resource Facility, with a particular emphasis upon this region of the North York Moors, and an emphasis upon outdoor activities etc., for children, adolescents and young adults. Perhaps also cafe and walk in educational facilities might be an option?It could in the longer term be useful to retain these premises as any future substantial demographic change may see a recognise a need for appropriate facilities, educational/cultural/environmental etc. Such considerations are viewed as important as the loss of this school and its history has an undoubted Community impact in both the long and shorter term contexts, as may be appreciated by this public response to its closure. May you all be able to make the best decisions for its future in the longer term interests of the Community. Also, I am sure we have all found that there are important lessons to be learned from this Consultation process which may be of help in the future.	Reader Emeritus in the Whorlton Benefice

Swainby & Potto Church of England (Voluntary Aided) Primary School Governing Body

14 June 2017

Report by Strategic Planning – Children and Young People’s Service

1.0 PURPOSE OF REPORT

- 1.1 To report to the Governing Body of Swainby and Potto Church of England (Voluntary Aided) Primary School the outcomes of the public consultation on their proposal to close the school with effect from 31st December 2017.
- 1.2 The Report aims to provide all the relevant information which will allow the Governing Body to determine whether they wish to publish statutory notices on their proposal.

2.0 BACKGROUND

- 2.1 Osmotherley, Swainby and Potto and Ingleby Arncliffe were three schools, working under one governing body, within the *Mount Grace Federation*. The decision to dissolve the *Mount Grace Federation* was taken by the *Mount Grace Federation’s* governing body on 23rd November 2016 and the Federation was dissolved in January 2017.
- 2.2 Swainby and Potto and Ingleby Arncliffe are both Voluntary Aided Church of England primary schools with close connections to the Diocese of York. The pairing of these schools reflects their shared status and Christian values as Voluntary Aided schools.
- 2.3 The number of pupils attending the two schools has fallen in recent years and the governing bodies responsible for the schools worked closely with the Diocese of York and North Yorkshire County Council to consider how best to address the challenges faced by these schools. Collaboration between Swainby and Potto and Ingleby Arncliffe Church of England Voluntary Aided Schools has been tried and formally bringing together the two schools to create one Church of England primary school has previously been consulted on.
- 2.4 Having considered a range of informal and formal options, including collaboration and amalgamation, governors of Swainby and Potto Church of England Primary School now consider that closure is the only viable proposal for the School, because pupil numbers have fallen to a level where it would be difficult to provide a high quality of education for pupils in the long term and to sustain a balanced budget.
- 2.5 The decision to consult on a proposal to close Swainby and Potto CE VA School is driven by four key reasons:
 - 2.5.1 Very low pupil numbers;
 - 2.5.2 Quality of curriculum experience;
 - 2.5.3 The school’s financial position;
 - 2.5.4 Interim leadership.
- 2.6 There is also a separate proposal to close Ingleby Arncliffe CE VA School to the same time-scale for similar reasons. However, that proposal is the subject of a separate consultation by Ingleby Arncliffe School’s governors.
- 2.7 The proportion of parents who live in the catchment area for Swainby and Potto Primary School yet choose to send their children to other schools is high. At the time of the publication of the consultation paper only 9 of the 33 children living in the school’s own

catchment area were on roll at the school (with 8 attending the school and one pupil educated off-site).

- 2.8 The number of children attending the School has fallen. In January there were 14 children on roll but at the time of the consultation evening on the current proposal on 10th May there were 9 on roll (and 8 in school). Based on this number, the forecast roll into September 2017 was even lower, at 6 (with 5 in school). This is due to the higher number of Year 6 children leaving set against the lower number of entries to younger age groups.
- 2.9 The actual number on roll has now reduced further to 3, given that 6 pupils left Swainby and Potto School over the summer half term. Those 3 pupils remaining in the School after half term are the Year 6 pupils due to leave shortly for a secondary school. So all those in School currently are about to leave and there could be no children at the school in September.
- 2.10 This information is shown in the table below:

Swainby and Potto			
Year Group	Numbers January 2017	Numbers 5 May 2017	Numbers 6 June 2017
Rec	2	1	0
Y1	1	1	0
Y2	2	1	0
Y3	2	2	0
Y4	3	1	0
Y5	1	0	0
Y6	3	3	3
Total	14	9 (8 in school)	3

- 2.11 In these circumstances, it is considered difficult for teaching staff to deliver an age appropriate curriculum to such small groups of children. There are also concerns around achievement and access to a quality experience. The Ofsted inspection of Swainby and Potto Church of England VA School reported that the school “*Requires Improvement*” and that the school should improve the quality of teaching and improve the achievements of pupils.
- 2.12 Even prior to the recent inspection of Ingleby Arncliffe, it was considered likely by Local Authority Education Advisers that if the school were to be re-inspected that it would not be deemed to have made the required improvements nor have the capacity to do so in the future. The inadequate judgement on Ingleby Arncliffe is now public and there is concern that the Swainby and Potto School would be at risk of also being deemed inadequate, since it shares the same staff and resources.
- 2.13 Reducing pupil numbers increases the school’s deficit budget. The predicted financial position was based on higher pupil numbers than are now forecast. Even based on these higher pupil numbers the school has been unable to demonstrate financial viability going forward. The combined income for the financial year 17/18 is £624.5k while the combined expenditure is £685.4k, resulting in an over-spend of £60.9k, though in-year balances reduce this deficit to £41k (*Appendix 1a* gives the summary in-year 17/18 financial position).
- 2.14 In order to make savings, the two schools currently operate on shared staffing and resources, including one school site. Even with these shared resources, the schools have been unable to demonstrate financial viability going forward with the predicted deficit rising.

The financial forecast shows the £60k overspend in 17/18 rising to £158k in 18/19 and to around £250k across the schools in 2019/20. Changes to school funding formulas are likely to make the school even more financially vulnerable and the Local Authority will have increasingly limited ability to provide on-going financial support to schools in this position. (*Appendix 1b* gives the forecast financial position.)

- 2.15 Given the very low numbers of pupils entering the school it is considered that an attempt to recruit a substantive headteacher with the calibre to make the necessary improvements is unlikely to be successful. The current interim headteacher arrangements cannot continue into the future. Without secure leadership the quality of teaching at the school is at further risk.
- 2.16 Primarily for the four key reasons outlined above it is proposed that Swainby and Potto CE VA Primary School should close with effect from 31 December 2017. Concerns over pupil numbers, quality, finance and leadership have combined together and led to the proposal.
- 2.17 A meeting of the governing body of Swainby and Potto Church of England (Voluntary Aided) Primary School was held on 3rd April which confirmed the decision to consult on the proposal. Governing body decisions are corporate and do not need to be unanimous. However, in this case, Swainby and Potto governors unanimously agreed to move the proposal forward as part of the formal school organisation process and to put the proposal forward to initial consultation of all stakeholders. (Minute of the Governing Body's decision to consult on the proposal is attached as *Appendix 2a*.)
- 2.18 Information on finances, pupil numbers and the opinions of educational advisers on the quality of teaching informed the consultation paper. The Local Authority considered a range of information, including the Diocese of York's views, to enable them to help governors produce a draft consultation paper which framed the proposal in terms of the closure of Swainby and Potto and the expansion of Hutton Rudby and Carlton and Faceby's catchment areas as the proposed receiving schools. (Consultation Paper attached as *Appendix 3*.)
- 2.19 On 19th April 2017 the consultation paper was considered at the governing body meeting and agreed for publication. (Minute of the Governing Body's decision to publish the consultation paper attached as *Appendix 2b*.)
- 2.20 It was agreed that the consultation would run from 28th April to 9th June 2017 a period of six weeks which excluded school holidays and that a public meeting would be held at the Church Hall on 10th May 2017.
- 2.21 It should be noted that governors have conducted the consultation period fully in line with the statutory requirements. There is no prescribed timescale for Stage 1 consultation and it is for the proposer to determine the nature of the consultation and its length. However, governors have followed best practice in allowing 6 weeks outside of school holidays.

3 PROCESS

- 3.1 The Governing Body must now decide whether to proceed with the closure proposal by publishing statutory notices. These would be published in the local newspaper and displayed on the school gates and provide a further 4 weeks for representations to be made. A final decision on whether to cease maintaining the school would then be made by North Yorkshire County Council's Executive Committee in September 2017.

3.2 The proposed timetable would be:

14 June 2017	Governing Body considers consultation responses
23 June 2017	Publication of Statutory Notices (starts on this date to avoid running into the Summer holidays).
21 July 2017	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
5 Sept 2017	Consideration by Executive
31 December 2017	Proposed closure date

3.3 If the Governing Body decides not to publish statutory notices the current process would stop. The County Council would normally expect the governing body of a voluntary aided school to lead on the proposal for closure. It would be within the County Council's power, however, as the local authority which maintains the school, to carry out its own separate closure proposal if it decided to do so. This could be initiated immediately or at any time in the future.

3.4 The Governing Body could in theory postpone making a decision on whether to publish statutory notices. Statutory guidance states that proposals should be published within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. However, this would create further uncertainty for pupils and staff.

4.0 ARRANGEMENTS FOR CONSULTATION AND RESPONSES

4.1 The decision to consult on the proposal to cease to maintain Swainby and Potto Church Voluntary Aided School was taken by the School's governing body on 3rd April and the consultation paper was approved for circulation on 19th April 2017.

4.2 This was quickly followed by an informal information-giving meeting for parents. At their meeting with the Chair of Governors, parents requested a meeting primarily on admissions and separate to the public consultation meetings. Parents alone were invited to a meeting with Admissions and Transport officers from NYCC on 11th May 2017 where officers provided admissions advice and responded primarily to questions about entitlement to home to school transport to receiving schools.

4.3 The consultation paper setting out the proposal (*Appendix 2*) was sent to parents of pupils on roll, staff of the school as well as other interested parties and individuals at the start of the consultation period. This includes those stakeholders required to be consulted under the rural schools presumption. (A list of the consultees is attached as *Appendix 4*).

4.4 A consultation meeting attended by 27 people was held at the Church Hall on 10 May 2017. (*Appendix 5* provides minutes of the public meeting.)

4.5 There have been 5 responses to the consultation by the closing date. These comprised the following:

Village Resident	1
Reader Emeritus in the Whorlton Benefice	1
Ex Parents	2
Staff	0
Ex Pupils	0
Diocese of York	1

- 4.6 These responses have been appended in full for your information (Appendix 6). While the respondents are saddened by the proposal they are, at the same time pragmatic and make comments about the reality of the situation. They accept, in a matter of fact way, that there is little alternative to the proposal in the circumstances, but express regret.
- 4.7 The main concerns expressed were around the consequences of school closure, entitlement to transport and transport policy, future catchment areas, future use of the school field and maintenance of the building before disposal.
- 4.8 One respondent suggests that the North Yorkshire Moors Parks Authority could consider turning the school into a community resource facility, “with a particular emphasis on this region of the North Yorkshire Moors”.
- 4.9 Three respondents comment on catchment areas. One supports the split of the Swainby and Potto areas as suggested in the consultation paper, primarily on the basis of cost. Another respondent makes a case for a future shared catchment area, on the basis of choice. A further respondent makes a distinction between a split catchment being inappropriate for current pupils but appropriate for future pupils.
- 4.10 The response from the Diocese of York comments on the various factors that have led to the proposal. It says that,
“The Diocese of York supports the proposal for the closure of Swainby and Potto CE Primary School.... Faced with declining numbers, concerns about quality, an unrecoverable budget deficit forecast and the inability to recruit effective long term leadership, the Diocese accepts that, in the best interests of the children, those children would be better served by accessing neighbouring schools, some of whom are existing church schools.”

5.0 ISSUES TO CONSIDER

- 5.1 The following section of the report addresses the main issues raised and also those raised in the consultation meeting.

Concerns about the proposed split catchment area

- 5.2.1 The consultation paper suggests (very much as a proposal for further discussion) that the existing catchment area for Swainby and Potto School is split between Hutton Rudby and Carlton and Faceby Schools, with Hutton Rudby the receiving school for those children in the Parish of Potto.
- 5.2.2 In suggesting a proposed split catchment area, governors were particularly mindful of the two main responses on this issue in the previous consultation.
- 5.2.2.1 Respondents suggested that the villages of Swainby and Ingleby Arncliffe looked in different directions, one towards Stokesley and the other towards Northallerton. It was suggested that Swainby’s social links are with Stokesley and local people do not travel regularly to Ingleby or Northallerton
- 5.2.2.2 Some previous respondents from Potto suggested that Hutton Rudby should be their designated school, since it is closer than both Swainby and Potto or Carlton and Faceby schools.

- 5.2.3 However, concerns have been expressed about the split of the catchment area. The proposal has been made that the current catchment area for Swainby and Potto should become a shared one, and shared between Carlton and Faceby and Hutton Rudby primary schools.
- 5.2.4 The LA and Diocese are now minded to support this shared catchment proposal, since it has a number of benefits.
- 5.2.4.1 It recognises that Hutton Rudby and Carlton and Faceby schools are almost equal distance from the current Swainby and Potto school site.
- 5.2.4.2 Children living in the Parish of Potto would be in-catchment for admissions purposes for a Church school at Carlton Faceby and also for Hutton Rudby. The same would apply for children in Swainby Parish. Although considered unlikely, in the event of a future oversubscription issue at Hutton Rudby or Carlton and Faceby parents would benefit from being classed as in-catchment for both schools, If the catchment area was not a shared one, and one of the two schools were ever over-subscribed, parents would not have that element of priority for admission to the other school.
- 5.2.4.3 There was some concern that the split proposal would also split current friendships and peer groups.
- 5.2.4.4 The Diocese support the proposal in that one of the two schools is a Church School and this gives those wanting a Church education the opportunity to choose this. They also believe this option gives parents maximum choice.
- 5.2.4.5 There was some concern that this shared catchment proposal, like the closure proposal, could have implications for increased transport costs. The closure proposal could lead to increased home to school transport costs compared to the current position. In the event of closure a small number of children who do not currently qualify for transport on distance, would do so, when attending their new school. In addition, a shared catchment area could result in increased home to school transport costs compared to a split catchment area. This is not necessarily on the basis of additional children qualifying but it may add complexity to the travel arrangements such that increased costs arise. This depends on the future pattern of attendance from the current Swainby and Potto catchment area at both Hutton Rudby and Carlton and Faceby not only in 2017/18 but beyond which is of course much more difficult to predict.
- 5.2.5 Given all this it is concluded that the shared option gives parents in a rural area a greater opportunity to attend an appropriate school based on their preference. Therefore, the proposal on expanding the catchments of the receiving schools has been changed from a split to being shared.

Concern over timely transport entitlement to receiving schools.

- 5.3.1 The NYCC Home to School Transport Policy states that 'Transport assistance following a school closure or reorganisation will be determined by the Council, following consultation, at the time the closure notices are determined and may vary depending upon circumstances.'
- 5.3.2 For the potential closure of Swainby and Potto School the approach set out below will apply should the matter proceed to the publication of statutory notice.
- 5.3.3 During August 2017 the NYCC Admissions Team will undertake preliminary assessments of transport entitlement for children who:

- Attended Swainby and Potto School at the time the consultation process commenced in April 2017
and
 - Transferred to either Hutton Rudby or Carlton and Faceby schools after the consultation commenced
and
 - Are resident in the catchment areas of Swainby and Potto or Hutton Rudby or Carlton Faceby schools in August 2017
- 5.3.4. The Executive are scheduled to make a final decision on the closure on 5 September 2017 and their decision will be subject to a call-in period which is 5 working days after publication of the decision. Confirmation of the decision will therefore be expected on or around 15 September 2017.
- 5.3.5 Should the decision be that closure on 31 December 2017 is confirmed then transport assistance will be arranged for qualifying children to commence as soon as is practicably possible after 15 September 2017. Interim measures may be required such as the offering of a parental allowance.
- 5.3.6 It is not possible to pre-empt the decision of the Executive so transport arrangements cannot be put in place prior to this. Only if exceptional circumstances apply to an individual case will transport entitlement be considered in advance of this timetable.
- 5.3.7 These arrangements are in recognition of the length of time between the confirmed decision date in September and the closure date in December.
- 5.3.8 It is important to note that children in the following circumstances will not be assessed for transport entitlement:
- Those who attended Swainby and Potto School but transferred to another school prior to the start of the closure consultation
 - Those who have never attended Swainby and Potto, even if they are attending either Hutton Rudby or Carlton and Faceby schools
 - Those who are resident in the Swainby and Potto catchment but attend schools other than Swainby and Potto, Hutton Rudby or Carlton and Faceby
- 5.3.9 This is in accordance with Department for Education guidance on home to school transport such that eligibility should be based on the arrangements in place when places are allocated

Concerns about the impact on the community if the school closed.

- 5.4.1 Concern has been expressed by residents of Swainby, and by the Parish Council, that closure of the school will lead to community facilities declining in the village and for young families to move out of the area. As *Swainby and Potto Church of England VA Primary School* is designated as a rural school it is important to take into consideration the impact on the community of any school closure.
- 5.4.2 In some communities the school is the only community space. In this case there is a Village Hall and there is also a Church Hall behind the Parish Church. The Church Hall is a relatively new building with meeting facilities and toilets. The Village Hall has meeting facilities and toilets and has been the centre of village events for 150 years, in its former guises as the Oddfellows Hall, Whorlton Village Hall and Whorlton Recreation Rooms. It

seats 100, has both a large meeting room for up to 40 and a small meeting room for up to 20, a fully equipped kitchen and wi-fi available.

5.4.3 There is also a church in the village, a short walk from the school. Children from the school regularly visit the Church and there would be an impact, both in that these visits would decline and that the proportion of church school places would reduce, should the school close. The local authority has an obligation to consider the impact on the proportion of church school places when it determines the outcome of school closure proposals. The Diocese is supporting governors with the consultation and given the availability of places at other local Church of England schools has expressed no specific concerns about the impact on proportionality of places in this area. Although the local authority should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area governors should note that this guidance does not apply in cases where the school is severely undersubscribed.

5.4.4 *Swainby and Potto CE VA School* is designated as a rural school. The *School Organisation Regulations and Guidance* contain a presumption against closure of rural schools, and it is a requirement that proposers must consider the effect of the discontinuance of any rural primary school on the local community. The statutory guidance specifically states that 'This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.' The guidance states that when producing a proposal, the proposer must carefully consider:

- The likely effect of the discontinuance of the school on the local community;
- The availability and likely cost to the LA of transport to other schools;
- Any increase in the use of motor vehicles which is likely to result in the discontinuance of the school and the likely effects of any such increase; and
- Any alternatives to the discontinuance of the school

Consideration of these factors would be included in any statutory proposal, and would be informed by the current consultation being undertaken.

5.4.5 If the school closed, there would be a potential additional cost to the Local Authority in providing transport to other schools. Free home to school transport would be provided for entitled pupils within the enlarged catchment area in accordance with the County Council's Home to School transport policy. Based on current pupil numbers and places of residence, there could potentially be additional transport costs initially, depending on whether a fleet minibus can be re-routed. It is possible, however, that additional taxis may be needed. If an additional minibus is needed this would cost in the region of an additional £28k per year. Parents would then be offered an allowance of 30p per mile for 4 journeys per school day. This would be met from the County Council's Home to School transport budget. The increase in traffic likely to result from the closure of the school is considered to be minimal given the small number of pupils.

Distance and time to travel to Hutton Rudby and Carlton and Faceby Primary Schools

5.5.1 The proposal is to increase the catchment areas of the two receiving schools. Travelling to alternative schools will increase the distance and time for some children resident in the current Swainby and Potto catchment area.

5.5.2 There is no prescribed size for catchment areas and in a rural county such as North Yorkshire there are a number of catchment areas covering large geographical areas. North Yorkshire County Council's *Home to School Transport Policy* states that 'Transport will be

arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school or 45 minutes to a primary school. Journey times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.' This is line with statutory guidance from the Department for Education. The journey time for children living within the current Swainby and Potto School catchment area would depend on their home address, but the journey to school will be far less than that mentioned above.

Alternatives to the proposal

- 5.6.1 A number of alternatives, including amalgamation, have been considered and some of these have been attempted. The governing body's concerns over decreasing numbers and the negative impact this decline has had on the school's finances has led them first to work within the Mount Grace Federation and then to look at collaboration. The Mount Grace Federation of three schools was an alternative to the current proposal, which did not succeed.
- 5.6.2 The informal collaboration with Ingleby Arncliffe, which involved the sharing of staff and resources, including a school site, was another alternative which has not succeeded. Amalgamation was another alternative, which was formally consulted on by governors, again in an attempt to retain a viable local school.
- 5.6.3 It is not considered viable to do nothing, given the low numbers, increasing deficit and Ofsted judgement. It is considered that there is no potential for the school to convert to academy status or to join a multi-academy trust because it would not meet tests of due diligence due to its small size.

School numbers could be boosted by a recruitment drive in the local area: There is new housing proposed and the number of children will grow

- 5.7.1 Some have argued that concerns around the low pupil numbers could be overcome by either a recruitment drive in the area, or by noting the amount of housing to be built and the additional children this would generate.
- 5.7.2 Parents are provided with information about all local schools when asked to express their preferences for entry into primary school. So a growth in general pupil numbers does not necessarily result in an increased pupil roll in any one particular school.
- 5.7.3 The proposed revision to Hambleton District Council's Local Plan does not include any preferred sites in the Swainby area. Criticism is made that this claim does not take account of the Neighbourhood Plan which could influence the Local Plan housing allocation in Swainby. Criticism is also made that the proposal runs counter to the aims of the North Yorkshire Moors National Park, which aims to promote and support villages and is now more flexible regarding local proposals to build more housing.
- 5.7.4 Even if these comments are fully accepted, the most optimistic estimate is around 20 to 25 new houses. At best this could possibly generate 5 to 6 additional children (based on the pupil yield factor applied by NYCC) which would not significantly improve the revenue and balance the finances.

Concern about maintenance of the building and security of the grounds before disposal.

- 5.8.1 There is concern in the community that, if the school is closed and the disposal process is started, the building and grounds will not be maintained. "The last thing the Parish Council want", it was said at the public meeting, "is the empty school site becoming a derelict site".

- 5.8.2 While it is likely there will be no children in school from September 2017, the school will actually remain open until December 2017. And the school has budgeted for maintenance work during this period.
- 5.8.3 Should the proposal be supported, the building and grounds would be maintained while decisions on its future are taken. While the options are appraised, the grounds and building would be maintained, in a reduced form, in partnership between the Diocese and the LA. At this stage there are no proposals to secure the site with security fencing. However, if a security fence was thought necessary the Parish Council would be consulted. Additionally if a proposed fence was of a certain height planning permission and the associated consultation process may well be required.

Concern about the future use of the building.

- 5.9.1 There is also some concern about disposal of the site and what the school building could become. At the public meeting it was said that the Parish Council is taking a keen interest in what the site could be used for and it was suggested that it become a nursery.
- 5.9.2 One respondent suggests that,
“it would help the village if the North Yorkshire Moors Parks Authority could give some consideration into turning the school into a community resource facility, with a particular emphasis on this region of the North Yorkshire Moors”.
- 5.9.3 Any decision about the future of the site and the buildings would be taken separately from the decision on whether to close the school. However, for information the following might happen, should the proposal be supported.
- 5.9.4 The school playing field is owned by the County Council. The County Council would need to obtain the consent of the Secretary of State to sell the playing field. If consent was granted, the proceeds would have to be invested in physical education in the school(s) whose catchment area is expanded.
- 5.9.5 At this stage it is unclear what would become of the school buildings. The trustees of the Swainby and Potto school buildings are the vicar and church wardens from the parish of Whorlton on behalf of the Diocese of York. However, since the school was built using public funds rather than funded by the trustees, the local authority can lay claim to the sale proceeds. Therefore the decision on the building's future would be a Diocese and a local authority decision. Legal advice is being sought on the disposal process.
- 5.9.6 One option is for the Diocese to lease out the building. Another is for it to be sold and any capital receipt from the disposal of the school would be determined with reference to the appropriate legislation and regulation which includes Schedule 1 to the Academies Act 2010 and also reference to the above point about lack of private investment by the trustees.

6.0 CONCLUSION

- 6.1 The public consultation including the public meeting has provided a forum for people to express their views and a number have done so. While respondents have expressed a wish for Swainby and Potto CE Primary School to remain open, they have been pragmatic. The fundamental issue of very low numbers, its impact on the financial and educational viability of the school, remains a critical factor.
- 6.2 It is for the Governing Body to now conclude whether or not there is a strong case for closure which outweighs other considerations including the presumption against the closure

of a rural school. On the basis of their conclusions and recommendation, the Governing Body must then determine whether or not it now proceeds with the closure proposal by publishing statutory notices in the best interests of educational provision in the area having taken fully into consideration all of the responses to the consultation and other relevant matters.

List of Appendices

Appendix 1a: Summary in year financial position

Appendix 1b: Forecast financial position

Appendix 2: Consultation Paper

Appendix 3: Minutes of the Governing Body's Meeting

Appendix 4: List of Consultees

Appendix 5: Minutes of Public Meeting

Appendix 6: Consultation Responses

Budget Monitoring Summary Report for Month Ended 31st March 2017

School Name: Ingleby Arncliffe and Swainby and Potto

Dfe No: 3336

Version Description : Outturn 1617

Budget Forecast : Changes Effective December 2016

Period : March (12)

Revenue

	Budget(£)	Actual To Date (£)	Remaining Salary Costs(£)	Other Forecasted Expenditure (£)	Expected Out Turn (£)	Variance To Budget (£)	Comments
Income							
Funds Delegated by The LEA	598,208	546,794	0	0	546,794	-51,414	De-federation adj
Funding for 6th Form Students	0	0	0	0	0	0	
SEN Funding	10,170	8,615	0	0	8,615	-1,555	Adjustment to SEN funding-query
Pupil Premium	4,940	4,610	0	0	4,610	-330	De-federation adj
Other Income	67,801	47,892	0	16,590	64,482	-3,319	Note 1
Community Focused Extended School Income	0	0	0	0	0	0	
Total Revenue Income	681,119	607,911	0	16,590	624,501	-56,618	

Expenditure

Teaching Staff	301,457	255,546	0	0	255,546	45,911	
Supply Teachers	41,801	70,905	0	0	70,905	-29,104	
Techs/Teaching Staff Support	101,027	98,585	0	0	98,585	2,443	
Admin and Clerical Staff	47,183	43,236	0	0	43,236	3,947	
Other Employees Costs/Expense	23,706	21,038	0	5,200	26,238	-2,533	
Premises Costs	67,221	76,605	0	0	76,605	-9,384	Includes water charges and DBE payments
Learning Resources	25,411	35,183	0	6,170	41,353	-15,942	Includes ICT spend
Supplies and Services	82,839	72,976	0	0	72,976	9,863	De-federation adj
Capital Financing From Revenue	0	0	0	0	0	0	
Community Focused Extended School Costs	0	0	0	0	0	0	
Total Revenue Expenditure	690,645	674,074	0	11,370	685,444	5,201	
In Year Position	-9,526				-60,943	-51,417	
Balance B/F From Previous Year	19,704				19,703	-1	
Balance C/F to Next Year	10,178				-41,239	-51,417	

Information

Balances:

General School Revenue Balance

-41,239

Extended School Balance (Community Focused Activities)

0

Budget Monitoring Summary Report for Month Ended 31st March 2017

School Name: Ingleby Arncliffe and Swainby and Potto

Dfe No: 3336

Version Description : Outturn 1617

Budget Forecast : Changes Effective December 2016

Period : March (12)

The schools current balance percentage is:

-7.50

Key Variances:

Income -

Note 1 Includes:
Adjustment for balances at Dec 16 -£18868
Insurance refunds +£12788
Trips/visits +5588

Expenditure -

Expected Outturn as per previous monitoring report dated (dd/mm/yyyy) 28/02/2017 -32,327

Expected Outturn as per this monitoring report -41,239

Variance -8,912

Reason for variance: Reduction in SEN funding £1555
Additional spending on Interactive screens £5774
Water charges +£3900

Capital

	Budget(£)	Actual To Date (£)	Remaining Salary Costs(£)	Other Forecast Expenditure (£)	Expected Out Turn (£)	Variance To Budget (£)	Comments
Income							
Capital Income	4,428	4,428	0	0	4,428	-1	
Private Income	0	0	0	0	0	0	
Revenue Financing	0	0	0	0	0	0	
Total Capital Income	4,428	4,428	0	0	4,428	-1	
Expenditure							
Acquisition of Land & Existing Buildings	0	0	0	0	0	0	
New Construction, Conversion & Renovation	3,956	3,956	0	16,590	20,546	-16,590	
Vehicles, Plant, Equipment & Machinery	0	0	0	0	0	0	
ICT	0	0	0	1,291	1,291	-1,291	
Total Capital Expenditure	3,956	3,956	0	17,881	21,837	-17,881	
In Year Position	472				-17,409	-17,881	
Balance B/F From Previous Year	17,409				17,409	0	
Balance C/F to Next Year	17,881				0	-17,881	

Information

REVENUE FINANCIAL FORECAST

School Name: Ingleby Arncliffe and Swainby and Potto
 Dfe No: 3336
 Revenue Financial Forecast: 2017/18 to 2019/20 Version: Current
 Version Name: Draft Budget v2 updated carry forward balances
 Version Description: Employee: Start Budget 1718, Funding: Start Budget 1718 combined 3, Other I/E: Start Budget 1718 2

1. REVENUE FINANCIAL FORECAST (based on pupil and staff number assumptions detailed below)

	<u>2017/18</u> <u>Financial Year</u> <u>£'000</u>	<u>2018/19</u> <u>Financial Year</u> <u>£'000</u>	<u>2019/20</u> <u>Financial Year</u> <u>£'000</u>
a) Income			
Funds Delegated by The LEA	277.8	194.0	193.6
Funding for 6th Form Students	0.0	0.0	0.0
SEN Funding	7.8	7.8	2.0
Pupil Premium	1.3	1.3	1.3
Other Income	26.7	17.5	17.5
Community Focused Extended School Income	0.0	0.0	0.0
Total Income	313.6	220.7	214.5
b) Expenditure			
Teaching Staff	162.4	159.0	162.3
Supply Teachers	4.0	4.0	4.0
Techs/Teaching Staff Support	25.6	16.1	16.1
Admin and Clerical Staff	22.6	17.5	17.5
Other Employees Costs/Expense	18.1	11.9	11.9
Premises Costs	45.5	45.5	45.5
Learning Resources	15.6	15.6	15.6
Supplies and Services	46.7	46.7	46.7
Capital Financing From Revenue	0.0	0.0	0.0
Community Focused Extended School Costs	0.0	0.0	0.0
Total Expenditure	340.5	316.3	319.7
c) Summary Position			
In Year Position	-26.9	-95.6	-105.2
Balance Brought Forward	-36.0	-62.9	-158.5
Balance carried forward	-62.9	-158.5	-263.8

2. BALANCE INFORMATION

General School Revenue Balance	-62.9	-158.5	-263.8
Extended School Balance(Community Focused)	0.0	0.0	0.0
School Revenue Balance Percentage(%)	-18.63	-54.49	-92.66

3. PUPIL NUMBER ASSUMPTIONS

	<u>2016 Census.</u> <u>2017/18</u> <u>Funding</u>	<u>2017 Census.</u> <u>2018/19</u> <u>Funding</u>	<u>2018 Census.</u> <u>2019/20</u> <u>Funding</u>
Reception	3.00	0.00	3.00
Year 1	4.00	3.00	0.00
Year 2	5.00	2.00	3.00
Year 3	7.00	3.00	2.00
Year 4	8.00	4.00	3.00
Year 5	3.00	5.00	4.00
Year 6	7.00	3.00	5.00
Totals	37.00	20.00	20.00
Total Main School	37.0	20.0	20.0
Total Sixth Form	0.0	0.0	0.0
Number of classes	0.0	0.0	0.0

REVENUE FINANCIAL FORECAST

4. STAFFING ASSUMPTIONS

	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>
a) Teaching Staff(full time equivalent)			
April	3.6	3.0	3.0
September	3.0	3.0	3.0
January	3.0	3.0	3.0
b) Technicians(hours per week)			
April	0.0	0.0	0.0
September	0.0	0.0	0.0
January	0.0	0.0	0.0
c) Admin and Clerical Staff(hours per week)			
April	50.0	25.0	25.0
September	25.0	25.0	25.0
January	25.0	25.0	25.0
d) Teaching Support Staff(hours per week)			
April	123.5	30.0	30.0
September	30.0	30.0	30.0
January	30.0	30.0	30.0
e) SEN Teaching Support Staff(hours per week)			
April	0.0	0.0	0.0
September	0.0	0.0	0.0
January	0.0	0.0	0.0

5. KEY BENCH MARKING INDICATORS

Pupil:Teacher Ratio(as at April)	10.3	6.7	6.7
Average Class Size (as per No. of classes)	0.0	0.0	0.0
Classes:Teachers Ratio(as at April)	0.00	0.00	0.00

6. OTHER KEY ASSUMPTIONS/INFORMATION

The figures included in the Budget Forecast are based on the 2017/18 funding formula and funding levels. For 2017/18 the Minimum Funding Guarantee (MFG) is -1.5% and the Funding Cap is 1.44%, for 2018/19 the MFG is -1.5% and the Cap 1.5% and for 2019/20 the MFG is -1.5% and the Cap 1.5%.

The pay costs for Support Staff take account of salary increases and increased Employer SA contributions from April 2017. An assumed pay award of 1% is included from September 2017 for Teaching Staff. Schools may decide to make provision for future pay awards and other pay related increases in future years expenditure.

As the outcome of the Second Stage of the consultations for a National Funding Formula are not yet known it has been assumed that the current funding model continues. Please be aware that the outcome of consultations will impact upon future funding levels within the proposed caps on winners and losers.

7. ANALYSIS OF MAIN VARIATIONS SINCE LAST FORECAST

	<u>2017/18</u> <u>£'000</u>	<u>2018/19</u> <u>£'000</u>	<u>2019/20</u> <u>£'000</u>
In year revenue position as above	-26.9	-95.6	-105.2
In year revenue position reported to Governors on:	0.0	0.0	0.0
Variances	-26.9	-95.6	-105.2

Analysis of main variances:

REVENUE FINANCIAL FORECAST

CAPITAL SUMMARY

Capital Financial Forecast: 2017/18 to 2019/20

	<u>2017/18</u> <u>Financial Year</u> <u>£'000</u>	<u>2018/19</u> <u>Financial Year</u> <u>£'000</u>	<u>2019/20</u> <u>Financial Year</u> <u>£'000</u>
1. CAPITAL FINANCIAL FORECAST			
a) Income			
CI01 Capital Income	0.0	0.0	0.0
CI03 Private Income	0.0	0.0	0.0
CI04 Revenue Financing	0.0	0.0	0.0
Total Income	0.0	0.0	0.0
b) Expenditure			
CE01 Acquisition of Land & Existing Buildings	0.0	0.0	0.0
CE02 New Construction, Conversion & Renovation	0.0	0.0	0.0
CE03 Vehicles, Plant, Equipment & Machinery	0.0	0.0	0.0
CE04 ICT	0.0	0.0	0.0
Total Expenditure	0.0	0.0	0.0
c) Summary Position			
In Year Position	0.0	0.0	0.0
OB03 Balance Brought Forward	0.0	0.0	0.0
Balance carried forward	0.0	0.0	0.0
2. INFORMATION REGARDING CAPITAL BALANCES/PROJECTS			
B03 DEVOLVED FORMULA CAPITAL	0.0	0.0	0.0
B04 OTHER STDS.FUND CAPITAL BAL	0.0	0.0	0.0
B05 OTHER CAPITAL BALANCES	0.0	0.0	0.0



Confidential

Full Governing Body Meeting

Ingleby Arncliffe CE Primary School and Swainby and Potto CE (VA) Primary School

**Monday 3rd April 2017 – 8.45am
at Ingleby Arncliffe CE Primary School**

Present: Linda Shipp (LS), Sharon Daly (SD) (Head Teacher), Ian Houghton (IH), Chelo Brookes (CB), Alison Smith (AS) David Jackson (DJ), Mick Hannon (MH), Sarah Swales (SS), Caroline Seymour (CS), Robert Harris (RH), Nicola Stewart (NS)

Ian Houghton arrived 9am.

In attendance: Bethan Jones (LA Clerk), Jo Mackle (NYCC), Andrew Smith (Diocese of York)

Linda Shipp left at 10.25am, Caroline Seymour left at 10.55am, Andrew Smith & Jo Mackle left 11.05am, Nicola Stewart left 11.10am

Apologies: Rob Papworth (RP), Sue Chambers (SC), Stuart Kerr (SK), John Swales (JW)

Core Functions of the Full GB:

- a. **Ensuring clarity of vision, ethos and strategic direction;**
- b. **Holding the Headteacher to account for the educational performance of the federation and its pupils;**
- c. **Overseeing the financial performance of the Federation and making sure its money is well spent.**

Item Number	Detail	Action
16.	<p><u>AOB</u> Ofsted: Ingleby Arncliffe was recently had Ofsted in. It was confirmed the results can be shared with both Ingleby & Swainby & Potto governors due to special circumstances. Ofsted deemed Ingleby Arncliffe to be put into special measures. It was advised Swainby & Potto would be the same outcome. The official report should be available towards to end of the summer. A meeting was arranged for the 24th March to discuss ways forward with the LA & Dicocese. DJ invited parents from both schools, only Ingleby parents could attend. A finance report was</p>	

	<p>produced and a discussion took place regarding the future of both schools. It was proposed for both schools to close. Andy Lancashire from NYCC did not attend as arranged.</p> <p>Following the Ofsted report for Ingleby Arncliffe the academy process will be triggered. JM & AS explained to process moving forward and the next steps.</p> <p>Governor Question: Will Ofsted speak to the governors?</p> <p>Answer: No, they will speak to the LA and diocese.</p> <p>JM explains the next steps for Swainby & Potto site</p> <p>A discussion took place regarding the problems in the past and why weren't addressed earlier. This included teaching within the schools, NYCC and diocese involvement.</p> <p>Governor Question: Where do the governors come in?</p> <p>Answer: Governors pass finance & management decisions.</p> <p>It was expressed by different parent governor they were strongly considering moving their children to another school. A discussion took place if the decision was to close both schools it would be up to the parents which school they would move to and the transport which would be available.</p> <p>DJ suggested parents to be informed the schools are looking at self-closure before the Ofsted report is available to the public and before consultation officially starts due to feelings from parents they have been kept in the dark in the past.</p> <p>Governor Question: How can we ensure the children that are still in the schools for the next term get the best education?</p> <p>Answer: They will be getting the best education and processes have been triggered pre Ofsted. SD has let Ofsted know the plans moving forward with teachers and support which will be put in place.</p> <p>The current governing body, headteacher have been praised for their work so far. The headteacher for her work and safeguarding procedures which have been put in place for the children.</p> <p>Ofsted acknowledged the safeguarding improvements by the headteacher.</p> <p>SD left 9.55am and returned 10.05am.</p>	
9.	<p><u>Discussion on future consultation:</u></p> <p>DJ proposed to consult on the closure off both schools. 2 separate votes were held. Dates for all timeframes were read out to all if the vote was yes today.</p> <p>Ingleby Arncliffe governors left the room, MH proposed the consultation to close both schools, LS seconded it</p> <p>Swainby voted yes by 6 – CB abstained from voting</p> <p>Swainby & Potto governors left the room, IH proposed for the consultation to close both schools, RH seconded it</p> <p>Ingleby Arncliffe voted yes by 6 – AS abstained from voting</p> <p>AS from diocese advised he has spoken to RSC and they could maybe fast track this proposal if its agreed by all involved and will not issue an academy order.</p> <p>A public statement to be prepared and parents to be notified in the next couple of days.</p> <p>Governor Question: Can you find out which surrounding schools have places and can the children from here get priority in admissions?</p> <p>Answer: JM going to speak to the admissions team and see what the parents need to do.</p>	JM



Full Governing Body Meeting
Ingleby Arncliffe CE Primary School and Swainby and Potto CE (VA) Primary School

Wednesday 19th April 2017 – 5.00pm
at Ingleby Arncliffe CE Primary School

Present: Chelo Brookes (CB), Alison Smith (AS) David Jackson (DJ), Mick Hannon (MH), Caroline Seymour (CS), Rob Papworth (RP), Andrew Wilde (AW)

In attendance: Bethan Jones (LA Clerk)

Apologies: Sue Chambers (SC), Stuart Kerr (SK), John Swales (JW), Nicola Stewart (NS), Sarah Swales (SS), Ian Houghton (IH), Sharon Daly (SD), Linda Shipp (LS)

Core Functions of the Full GB:

- a. **Ensuring clarity of vision, ethos and strategic direction;**
- b. **Holding the Headteacher to account for the educational performance of the federation and its pupils;**
- c. **Overseeing the financial performance of the Federation and making sure its money is well spent.**

Item Number	Detail	Action
1.	No Pray	
2.	<u>Welcome and Introductions</u> All welcomed	
3.	<u>Consideration of Absence:</u> Sue Chambers (SC), Stuart Kerr (SK), John Swales (JW), Nicola Stewart (NS), Sarah Swales (SS), Ian Houghton (IH), Sharon Daly (SD), Linda Shipp (LS) gave their apologies. These were consented.	
4.	<u>Elect a chair</u> Mick Hannon was proposed as Vice Chair for Swainby & Potto. Seconded by CB and voted on by other governors.	
5.	<u>To consider if any agenda items should be regarded as confidential:</u> No	
6.	<u>Declaration of interest, pecuniary or otherwise for any agenda item:</u>	

	<p><u>Governors confirmed their membership of other bodies:</u> Alison Smith - EBOR Trust, Pathfinder Trust and the Archbishop Sentamu Academy Governing Body. Chelo Brooks – Associate Governor at Yearsley Primary School and Wistow Primary School. Ian Houghton – Foundation Governor at Knayton Primary School. Linda Shipp – Foundation governor at Carlton and Faceby School. David Jackson – Governor at St Peters Primary School</p>	
7.	<p><u>Approve Minutes from FGB meeting for both schools 04/04/17:</u> These were then deemed as a true record and were duly APPROVED and SIGNED by the Chair, David Jackson</p>	
8.	<p><u>Agree Consultation Document Swainby & Potto Governors:</u> A discussion took place regarding the document including transport arrangements, catchment areas, relocating the children and funding. Admissions and Transport will not be at the consultation meetings they will however have a meeting with the parents on the 11th May 2017. Jo Mackle and strategic services will be at the meeting to answer any questions. Chair and vice chair will also have more of a lead role. Governor question: Can information regarding friend’s groups go into the consultation document? Answer: It could be discussed at the meeting but Friends group are a separate legal entity. The Swainby & Potto Governors voted unanimously to approve the consultation document with the following changes to be made: check the date and times are correct, who owns the property/land at Swainby & Potto is more clearly defined and detailed and also that future disposal arrangements are stated as unclear at this time. DJ to ensure these changed are made before the consultation document goes out to parents on the 28th April.</p>	DJ
9.	<p><u>Agree Consultation Document Ingleby Arncliffe Governors:</u> A discussion took place regarding the document including transport arrangements, catchment areas, relocating the children and funding. Admissions and Transport will not be at the consultation meetings they will however have a meeting with the parents on the 11th May 2017. Jo Mackle and strategic services will be at the meeting to answer any questions. Chair and vice chair will also have more of a lead role. Governor question: Can information regarding friend’s groups go into the consultation document? Answer: It could be discussed at the meeting but Friends group are a separate legal entity. The Ingleby Arncliffe Governors voted unanimously to approve the consultation document with the following changes to be made: check the date and times are correct. DJ to ensure these changed are made before the consultation document</p>	

	goes out to parents on the 28 th April.	DJ
10.	<p><u>AOB</u></p> <p>A discussion took place regarding a letter which was sent last April regarding issues which were raised at the school. It has been suggested to put together a brief timeline showing who was appointed and when and what issues arose and how these were dealt with at the time.</p> <p>A discussion took place regarding the meeting on the 24th March that Andy Lancashire did not attend. DJ confirmed he understood that AL was going to attend. DJ was asked to invite parent governors to the meeting, and explained Swainby governors could not attend. He was then asked to invite all Swainby governors, and reported that only MH could attend.</p> <p>Governor Question: How many children are due to come back after the Easter break?</p> <p>Answer: Unknown</p> <p>A discussion took place regarding the governors bank account and the lack of up to date signatures. Also, the fact that there was not enough money in the two governors accounts to pay the insurance when it became due. DJ suggested a possible way forward was to withdraw all the funds and to hold in the school bank account and that he would think about that and contact RP & CS about it.</p> <p>SD has confirmed that friends have agreed to pay for swimming lessons for both schools.</p> <p>HR will come and speak to the staff regarding closure and possible redundancy arrangements.</p> <p>It has been agreed that some funds for the traded services the schools buy through the LA will be refunded if the schools close.</p>	AS & CB
11.	<p><u>To confirm a date, time and venue for the next meeting</u></p> <p>Tuesday 4th July – 6pm at Ingleby Arncliffe for both schools</p>	
	Meeting finished 6.15pm	



Swainby and Potto C of E (VA) Primary School

Consultation Document

**Proposal to close Swainby and Potto Church of
England Voluntary Aided Primary School with
effect from 31st December 2017**

Swainby and Potto Church of England Primary School

Swainby

Northallerton

Consultation on a Proposal to Close the School from 31st December 2017

I am writing to let you know that the Governing Body has decided to consult on a proposal to close the school.

The Governing Body has not reached this decision lightly and has examined different options. The Governing Body now feels that this decision is in the best interests of the school. It is proposed that the school will close with effect from 31st December 2017.

Enclosed is a copy of the Consultation Document that sets out the position in which the school finds itself and will allow you to formally provide your views on the proposal. You can also see the consultation document online by visiting the dedicated website provided by the Local Authority:

<http://northyorks.gov.uk/article/23998/Childrens-services---consultations>

You can respond to the proposal either in writing by sending the response sheet attached to the freepost address given in the document; or online by following this link:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=149200032616>

The closing date for the submission of responses is **Friday 9th June 2017**.

As part of the consultation process a Public Meeting will take place to allow anyone who wishes to make their views known in person to do so. This event will be attended by representatives of the Governing Body; the Diocese and the Local Authority. It will take place on:

Wednesday 10th May at 7pm

at Swainby Church Hall, Swainby

We would like to take this opportunity to thank you for your continuing support for the School and to encourage you to take part in the consultation process by attending the Public Meeting and by submitting a response sheet.

There is also a separate proposal to close Ingleby Arncliffe CE VA School to the same time-scale for similar reasons. However, that is a separate consultation and if you have any comments on that proposal please respond to the separate consultation paper.

The Governing Body of Swainby and Potto Primary School, Swainby



Swainby and Potto C of E (VA) Primary School

April 2017

This paper sets out details of a proposal to close Swainby and Potto Church of England Voluntary Aided Primary School with effect from 31st December 2017. It gives the background to the proposal. There will be a public meeting on:

Wednesday 10th May at 7pm

At Swainby Church Hall

The Current Position

The Governing Body of Swainby and Potto Church of England Voluntary Aided Primary School has decided to consult on a proposal to close the school.

The Governors have worked closely with officers from the Diocese of York and North Yorkshire County Council. They consider that the closure is necessary to secure the interests of current and future pupils from the school.

The Governing Body has not reached this decision lightly and has already considered alternatives, such as working with other schools to make sure that good standards of teaching and learning will be available for all pupils.

There is also a separate proposal to close Ingleby Arncliffe CE VA School to the

same time-scale for similar reasons. However, that is a separate consultation and if you have any comments on that proposal please respond to the separate consultation paper.

The previous three-school "Mount Grace" federation with Ingleby Arncliffe CE VA Primary School and Osmotherley Community Primary School was dissolved in January 2017, although informal collaboration between Swainby and Potto and Ingleby Arncliffe Church of England Voluntary Aided Schools continues. The pairing of these schools reflects their shared status and Christian values as Voluntary Aided schools. There is currently no substantive Headteacher in post at the school. Interim leadership support is being provided to both schools by a single Interim Headteacher (and previously by the executive Headteacher from the Mount Grace Federation). It is

not considered sustainable to continue with interim arrangements into the future even if such arrangements could be put in place.

There are four key concerns: 1) Very low pupil numbers; 2) Breadth of curriculum experience; 3) The school's financial position; 4) Leadership.

Pupil Numbers

The number of children at Swainby and Potto School has been falling gradually over the past few years. At the time of publication there are now only 9 pupils in school. However this number is subject to any changes that may be requested by parents and we will update the number at the public meeting. The school is designed to accommodate up to 84 pupils. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further, given the three Year 6 pupils leaving in July and that no new children are joining Reception in September.

The proportion of parents living in the catchment area and choosing to send their children to other schools has been increasing each year. In the current academic year only 9 of the 33 children living in the school's own catchment area currently attend the school.

In these circumstances, it is considered difficult for teaching staff to deliver an age appropriate curriculum to such small groups of children. This has been recognised in the informal working arrangements with Ingleby Arncliffe which the school has introduced.

Quality and Breadth of Curriculum

As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the quality and full range of experiences they need.

The most recent Ofsted inspection of Swainby and Potto Church of England VA School was in June 2015. At this time Ofsted reported that the school "Requires Improvement" and that the school should improve the quality of teaching and improve the achievement of pupils.

As numbers have fallen further since then, the school governing body, the Diocese of York and North Yorkshire County Council have become concerned that pupils are not having access to a high quality curriculum and to the full range of experiences they need, particularly opportunities for working and playing with children their own age. For example, when there are only one or two children in a year group, it is difficult for pupils to share and compare the same work.

There are now only two children in Key Stage 1 and no new Reception children will join the school in September.

It is likely to become more difficult to ensure a high quality curriculum and to meet children's educational and social needs, even with the existing partnership with another local Church of England Voluntary Aided school in Ingleby Arncliffe. These concerns about being able to preserve the quality and breadth of the curriculum are the key concerns arising from the rapid decline in pupil numbers.

It is considered likely by Local Authority Education Advisors that if the school were to be re-inspected that it would not be deemed to have made the required improvements nor have the capacity to do so in the future. There is concern that the school would be at risk of being deemed inadequate. This re-inspection can take place anytime from July 2017. It is likely to be shortly after that date since Ingleby Arncliffe has recently been inspected. The outcome of this inspection will not be known for some time.

The Financial Position

Pupil numbers determine the school budget. With these lower numbers, and a reduced budget, the school may have to further reduce staff.

Examination of the predicted financial position has led to concerns about the school's ability to preserve the quality of education. The school is predicting an in-year financial deficit for 2017/18 significantly increasing for 2018/19, and a higher deficit for 2019/20. The two schools currently operate on shared staffing and resources, including one school site, but even under these combined circumstances the schools have been unable to demonstrate financial viability going forward. In the 2017/18 financial year there is a predicted deficit of £56,900 across the two schools rising to £257,000 in 2019/20 showing the immediacy of the situation and that there is a need for consultation now. The financial forecast is based on 20 pupils across the two schools but the current pupil number now falls below that originally assumed and increases the forecast deficit further. Even with the lower numbers existing staffing levels may be required to be maintained. With

the low pupil numbers predicted all children may be taught in a single class but a single class across the 4-11 age range is not advised. Changes to school funding formulas are likely to make the school even more financially vulnerable and the Local Authority will have increasingly limited ability to provide on-going financial support to schools in this position.

Leadership

There is currently an interim Headteacher in post shared by both schools. Given the very low number of pupils entering the school it is considered that an attempt to recruit a substantive Headteacher with the caliber to make the necessary improvements is unlikely to be successful. The current interim arrangements cannot continue into the future. Without secure leadership the quality of teaching at the school is at further risk.

The Proposal

For the reasons outlined above it is proposed that Swainby and Potto CE VA Primary School should close with effect from 31 December 2017.

The nearest local school, 3.4 miles from Swainby and Potto School, is Carlton and Faceby Church of England VA School. This is also a Church of England Voluntary Aided School.

There is also Hutton Rudby Community Primary School which is 3.5 miles from Swainby and Potto School. However, this school may be nearer for some pupils. Those living within the parish boundary of Potto would be closer to this school.

Both of the above schools have capacity to take additional pupils and both have indicated a willingness to do so.

There are also places available at Stokesley Primary School, which is 6.2 miles from the school, and Osmotherley Community Primary School, which is 5.7 miles from it. Both schools are approximately six miles away and a similar travelling time by road.

It is proposed that the current catchment area is divided to take account of the geography of the area. This would mean that the catchment area of Hutton Rudby Community Primary School would be expanded to include the Potto parish area of the current Swainby and Potto catchment area.

The catchment area of Carlton and Faceby CE VA School would be expanded to include the remainder of the Swainby and Potto catchment area. A map of the proposed new catchment area is attached.

Consultees may prefer to see a different arrangement for future catchment areas and they are invited to comment on this in the response to the consultation. The views expressed in the consultation on redrawing catchments will be considered and factored in to any final closure proposal.

For any children currently at the school, North Yorkshire County Council would work with each family to try to meet their individual preferences for other schools.

Eligibility for home to school transport will be determined in line with the County Council's current home to school transport policy and procedures based on each child's home address and individual

circumstances.

Parents have a right to express a preference for any school and, in the case of community and voluntary controlled schools, the relevant Local Authority is the admissions authority and will meet that preference provided there are vacant places or the school is happy to admit above the published admission number. In the case of Voluntary Aided schools, the governing body decide the conditions for admission to their particular school. Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

North Yorkshire County Council's Admissions Team is always happy to give advice to parents – please contact Jill Wilson 01609 534825 or Lisa Herdman 01609 534953.

Staff

A separate consultation process, including a staff meeting, will run in parallel with the consultation on the closure proposal.

Impact on Community

As Swainby and Potto Church of England VA Primary School is designated as a rural school it is important to take into consideration the impact on the community of any school closure. In some communities the school is the only community facility. In this case there is a village hall in Swainby, refurbished in 2012, which seats 100, with a large meeting room for up to 40, a small meeting room for up to 20, a fully equipped kitchen and wi-fi available. There is also a Church Hall behind the Parish Church.

Potto also has a Village Hall located in the centre of the village, close to the Parish Church which offers a range of facilities within accessible indoor and outdoor space which is available to hire for a range of activities and events.

The Building

Any decision about the future of the site and the buildings would be taken separately from the decision on whether to close the school. However, for information the following might happen, should the proposal be supported.

The school playing field is owned by the County Council. If the playing field were sold, Section 77 of the Schools Standards and Frameworks Act 1998 determines that the proceeds have to be spent on sport and in this case it would probably be on improving sport in the school(s) whose catchment area is expanded.

At this stage it is unclear what would become of the school buildings. The trustees of the Swainby and Potto school buildings are the vicar and church wardens from the parish of Whorlton on behalf of the Diocese of York. However, since the school was publically funded rather than by payment from the trustees, the local authority can lay claim to the sale proceeds. Therefore the decision on the building's future would be a Diocese and a local authority decision. One option is for the Diocese to lease out the building. Another is for it to be sold and any capital receipt from the disposal of the school would be determined with reference to the appropriate legislation and regulation which includes Schedule 1 to the Academies Act 2010 and also reference to the above point about lack of private investment by the trustees.

Should the proposal be supported, the grounds and building would be maintained while decisions on its future

are taken. While the options are appraised, the grounds and building would be maintained, in a reduced form, in partnership between the Diocese and the LA. Also, at this stage, there are no proposals to secure the site with security fencing and if there were ever a proposal to erect security fencing, this would be the subject of planning approval.

What Happens Next?

Your views about this proposal are welcomed. You can either complete and return the attached response sheet, or submit an online response

Paper responses should be returned to North Yorkshire County Council, who are administering this consultation on behalf of the governors of the school, at the address below:

FREEPOST RTKE-RKAY-CUJS
Swainby and Potto
Strategic Planning
North Yorkshire County Council
County Hall
NORTHALLERTON
DL7 8AE

Online responses may be submitted by following the link on the response form below.

The closing date for responses is **9th June 2017**. All responses to the consultation received by this date will be considered by the School's Governing Body in July 2017.

If the Governing Body decides to proceed with the closure proposal, then statutory notices would be published in the local press. These notices provide a further four weeks for representations to be made. A final decision would be made by

North Yorkshire County Council's Executive Committee in September 2017. If agreed the school would close on 31 December 2017.

Key Dates

All dates are subject to approvals at each stage.

Consultation opens	28 April 2017
Public meeting	10 May 2017
Consultation closes	9 June 2017
Governing body considers consultation response	4 July 2017
Statutory Notices published	7 July 2017
Representation period ends	4 August 2017
Final decision by NYCC	5 Sept 2017
School closure	31 Dec 2017

Please detach this page before posting

Or respond electronically to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=149200032616>

Swainby and Potto Church of England Voluntary Aided School

A consultation on whether the school should be closed

What are your views on the proposal?

In the table below, please tick in the appropriate column:

	Swainby and Potto CE VA Primary School	Other school (please name)
I am a pupil at...		
My child(ren) attend...		
My grandchild(ren) attend...		
I work at...		
I am a governor at...		
I live close to...		
Other connection (please state)		

Please turn over

Signed..... Date.....

Name (BLOCK CAPITALS)

Address

.....

.....

Postcode

To help us assess whether we have provided clear information, please let us know whether you found this consultation easy to understand YES/NO

Do you have any suggestions for improvement?

.....

Under the provisions of the Freedom of Information Act 2000, responses to the consultation may be accessed by members of the public.

Thank you for taking the time to read this document and submit your views.

Please send this response sheet to the following 'FREEPOST' address.
You do not need to use a postage stamp.

Freepost RTKE-RKAY-CUJS
Swainby and Potto CE VA Primary School
Strategic Planning
North Yorkshire County Council
County Hall
NORTHALLERTON
DL7 8AE

The closing date for responses is 9th June 2017.

Swainby & Potto CE VA Primary School - List of Consultees

Parents of pupils at Swainby & Potto CE VA Primary School

Staff of Swainby & Potto CE VA Primary School

Governors of Swainby & Potto CE VA Primary School

Interest / user groups nominated by Swainby & Potto CE VA Primary School (and distributed by them)

Diocese of York

Headteachers and Chairs of Governors

of other local primary and secondary schools with a 5 mile radius of school:

Hutton Rudby Primary

Kirkby & Great Broughton CE Primary

Carlton & Faceby CE Primary

Ingleby Arncliffe CE VA Primary

Osmotherley Primary

Bilsdale, Midcable, Chopgate CE Primary

Stokesley Primary

7 Unions and Professional Associations

Local county councillor: Cllr Bryn Griffiths

District councillor: Cllr David Hugill

Local district:

Hambleton District Council (contact us)

North Yorkshire Moors National Park (contact us)

Local MP: Rishi Sunak MP

Secretary of State: via School Organisation Unit

Local Early Years providers within 5 miles: 8 settings

Parish councils:

Potto

Whorlton

Parochial Church Councils: Swainby

Minute of a Public Meeting concerning Swainby and Potto Voluntary Aided Church of England Primary School.

Meeting held on 10 May 2017 at Swainby Church Hall

Present:

David Jackson, in the Chair (Chair of Governing Body); Andrew Dixon (Strategic Planning Manager), Andrew Smith (Director of Education, *Diocese of York*), Sharon Daly (Interim Headteacher of Ingleby Arncliffe School), Mark Ashton (Strategic Planning Officer), Chelo Brooks (Foundation Governor), Alison Smith (Foundation Governor), Bryn Griffiths (County Councillor), Jo Mackle (Lead Adviser), Stuart Kerr (Governor), Suzanne Kerr (Parent), Andy Lawton (PCC), Rev Linda Sharp (PCC), Kay. B. Mazingham (PCC), Andrew Wilde (Governor), Ruth Fraser (Resident), Angela Wilson (Resident), David Hugill (HDC Ward Member) Gordon Clarkson (Reader Whorlton Benetise), J.J Place (Resident, Parent of ex pupil), Caroline Seymor (Governor), Shaun Mason (Resident), Jackie Beadle (Parent), P. Ilynge (Church), L.A. Moore (Resident Potto), C.A. Moore (Resident Potto), W. Gregory (Resident), Lorna Kessell (Church Warden).

Apologies:

Robin Cook, Dolly Hannon, Carol Cook, Amanda Fiondi.

27 people were present.

Agenda

1. Welcome – David Jackson – Chair of Governors
2. Opening Remarks - Chair of Governors
 - a. Introduction to the Panel
 - b. Consultation Process
3. Governors Decision to Consult on Closure – Vice Chair of Governors
4. Standards and Finance – Chair of Governors
5. Diocesan Statement – Andrew Smith, Director of Education, *Diocese of York*
6. Local Authority Statement – Andrew Dixon, Strategic Planning Manager, NYCC
7. Question and Answer Session
8. Closing Remarks – David Jackson, Chair of Governors

1. Welcome

The Chairperson opened the meeting at 7pm. He introduced himself as the Chair of Governors for *Swainby and Potto* and *Ingleby Arncliffe* Primary Schools.

David Jackson said the school governors were currently working through a school organisation process around their proposal. He said that a key part that process required governors to consult widely on their proposal and this meeting is a key part of that consultation process.

David Jackson said he would start with introductions and ask each of the panel members to introduce themselves. Andrew Smith, Director of Education from the Diocese of York, Andrew Dixon, Strategic Planning Manager NYCC, Sharon Daley, Interim Headteacher of Ingleby Arncliffe, Jo Mackle, NYCC's lead adviser for the north of the County, and Chelo

Brooks and Alison Smith, both Foundation Governors, each then introduced themselves to the meeting.

The Chairperson outlined the agenda saying that there would be an opportunity for questions and answers following comments on the proposal by the Vice Chair and a statement by the Diocese of York. The Vice Chair, Mick Hannon, then gave a short statement on how governors came to their conclusions.

2. Decision to Consult

Mick Hannon said that he had recently become a governor of Swainby and Potto Church of England Voluntary Aided Primary School. He had done so to ensure the consultation on the closure proposal was transparent. During the previous consultation on amalgamation he had let his views on perceived bias over choice of school be known.

In particular, the Vice Chair continued, at the last public meeting he had been very critical of the lack of transparency by governors, the local authority and the Diocese. He promised that would not happen in the future and so became a governor of the school.

Mr Hannon said that in the spirit of openness and transparency he wanted to pick up from the previous consultation on amalgamation and the previous public meeting.

In his view, the previous consultation document proposing amalgamation was a poor document and he had made this view known to governors and others. On the basis of the consultation document being poor in his view, and the amalgamation proposal in his view biased, no decision was made and the governors did not recommend closure of Swainby.

Following that decision there was, in his view, a window of opportunity to keep Swainby and Potto School open. It required an independent analysis of the merits of the two school sites. If that independent analysis had determined objectively that Swainby and Potto would close he and the community would get behind the decision.

However, that was not done. Instead, shortly after the governors meeting and decision, there was a meeting on the way forward. Local Authority officers who had helped governors to write the consultation document and who had written the report on the outcomes of the consultation to governors were at the meeting.

At the meeting a Local Authority Adviser explained to governors that the quality of education that the children were receiving was poor and that efforts by advisers to increase the quality of education had failed. An Ofsted inspection was due immanently. The previous Ofsted inspection reported that the school "Requires Improvement" and we were told that it is considered by Local Authority Education Advisers that it would not be deemed to have made the required improvements nor have the capacity to do so in the future. There is concern that the school would be at risk of being deemed inadequate and this could force closure.

Mr Hannon explained that some governors wanted to bring Ofsted in and to force the issue. But others felt pupils would feel they had failed in some way and that it would be better for the school to close with dignity and voluntarily.

That's when the decision was taken, Mr Hannon concluded. In terms of transparency and honesty that is where we are and why we are here.

3. Comments from the Chair of Governors.

The Chair of Governors continued Mr Hannon's theme, explaining that it was apparent that the quality of education was unacceptable and this has just been confirmed by the inadequate judgement by Ofsted. The Ofsted report on Ingleby Arncliffe, which is now public, says this and governors would expect the same result for Swainby since it is the same teachers. Governors did not feel confident the school could provide the breadth of educational and social experiences required in a school.

The Ofsted report is now in the public domain, said David Jackson. The Ofsted judgement confirms local authority advisers predictions on quality, and the school would be forced to close. This is because Special Measures leads to forced academisation but no academy would take the school on with the pupil numbers and finances as they are.

David Jackson said that following the previous consultation on the amalgamation of Swainby and Potto School and Ingleby Arncliffe School it became clear that the amalgamation proposal could not be taken forward since neither school could really carry on. The underlying reasons for the closure proposal, were the high financial deficit, declining pupil numbers and concern over the educational experiences for the children.

Financial difficulties had already been a concern to governors to the extent that the two schools were already teaching their pupils together. On this basis the financial forecast was modelled on 37 children across the two schools and predicted a £65k deficit. However, the more recent financial forecast was modelled on 20 children and predicted that the two schools together would be around £200k in arrears in the longer term.

The deficit is largely because pupils numbers are reducing. Pupil numbers have declined steadily over a period of time but worryingly, the number of parents choosing to send their children to other local schools has increased.

David Jackson said that this is a second consultation process. He told parents promptly about the decision to consult on the proposal. He wanted to tell them straight away and this has had a significant impact on the remaining pupils, since many have now decided to leave.

David Jackson concluded that last time Swainby and Potto governors decided not to proceed but it is highly likely that they will proceed with this proposal, given the low numbers and also the dire finances. It is impossible to put a financial recovery plan in place.

The Chair concluded that he had been Chair of governors in challenging circumstances and that this was not the outcome that he expected when he agreed to support the schools.

Mr Jackson then asked Andrew Smith to give the Diocese of York's perspective on the proposal.

4. Comment from the Diocese of York

Andrew Smith, the *Director of Education* for the Diocese, said that the Diocese of York had no statutory responsibility for educational standards since that was through the local authority. However, while the Diocese is primarily concerned with promoting the Christian ethos in Church of England schools across the county, it does also get involved in the wider organisational issues.

Mr Smith said that the Diocese of York helped to run the Mount Grace Federation and, since the dissolution of the federation, had been proactive in providing support to the two Church schools.

Mr Smith thanked Mr Hannon for his description of the meeting that was held to discuss a way forward. He said that, although the Diocese of York is committed to a Church of England education being available, the meeting showed that the financial deficit had increased because it went from being based on 27 to 20 pupils and therefore increased further. So the finances were a key factor in that meeting.

Mr Smith said that when he looked at the finances, due to low pupil numbers and their reduction over a period of time, he agreed unfortunately that there is no viable recovery plan. Additionally there was considerable concern over teaching standards.

It is hard for a Diocese to support the closure of a Church school. But he has had to come to the conclusion that the school is not viable. .

The Diocese also knows that there are good alternative Church schools. Mr Smith said that there was good Church school provision along the Stokesley corridor area, with spaces available

In addition, he had come to the point where he had to consider what provision is in the best interest of the children. And regrettably that was to support the governors' proposal.

5. Comment from the Local Authority

Andrew Dixon, Head of Strategic Planning for NYCC, explained that North Yorkshire County Council is the statutory body for school organisation. He said that the authority does not close schools lightly but in this case is reluctantly but inevitably driven to that point by very low numbers.

Mr Dixon said that, to put this in perspective, there is only one other closure proposal being brought forward at the moment. This is because Members would not take a decision on a closure proposal lightly.

However, when finances, pupil numbers and standards impact on educational provision so significantly, decisions have to be taken in the best interests of the children

6. Comments from the Chair

The Chair said that the finances had to be untangled. It had taken until now to clarify the finances. The in-year deficit is now £41k. Governors had thought it was £27k, and the consultation document gives this figure, but it is now known to be £41k.

David Jackson then invited questions from those present.

7. Questions and Answers

A resident said that there should be one school left open as a hub for the area. They would like the school that remains open to be Swainby and Potto Primary School because it could be a good hub school.

David Jackson said that Osmotherley CP did not want to carry on as part of the Mount Grace Federation and the two Church schools had to respond to this situation very quickly.

Mick Hannon said that Osmotherley CP should be looked at. Osmotherley governors had voted with their feet, because they could, he added.

A Parent said that the reality is that parents have already decided the future of the school. In what ways the curriculum is inadequate should have been looked at.

Mick Hannon said that the whole process had made him angry. He was concerned that there had been no monitoring of student progress. Most governors were not aware of the standards issue and were only presented with the information on this in April.

A Resident said that the reality is that we cannot go back to that position. We are where we are now.

Andrew Smith said that the situation the Mount Grace Federation found itself in was unfortunately trying to manage the long-term sickness of the head. They did not know whether the head would return.

Mr Smith continued by explaining how leadership is very important in a school and that you cannot just bring someone in to cover it because you need someone of the calibre and also to know that the sickness absence is actually in the long term. Ultimately the Local Authority brought Harry Wood in to cover the headship across the federation for four days a week and then, when the federation was dissolved, Sharon was brought in to manage the two Church schools on an interim basis.

Mr Smith said that the leadership concerns go back to before the federation and in part were a reason for establishing the federation. However, the illness of the established headteacher was out of people's control and had to be managed in difficult circumstances.

Jo Mackle, the lead adviser for the locality, said that a huge amount of support had gone into the schools over an extended period. A member of her advisory team had spent a great deal of their time in Swainby and Potto School to support the situation.

Mrs Mackle said that an immense amount of work went in to support some staff who found it hard to adapt to the standards required. She said that some tough decisions had to be made but legally this can be difficult.

Mrs Mackle said that her role focusses on the quality of education, on answering the question: What are the children getting? Many aspects did improve, but not sufficiently.

Mrs Mackle said that the support goes back over a long time. It goes back to before the federation was established and that for some time everybody was trying to save the Church Schools. However, 50% of our village schools are small. While towns are growing the villages are shrinking and village schools are finding it increasingly difficult to survive.

Mick Hannon said that technically the employment in schools appeared to be geared towards people being allowed to draw sick pay for an extended period. He felt that the situation with the headteacher had been allowed to drift and this should not have been allowed.

A Resident said that these are radical proposals. But lessons should be learnt and these proposals should be adopted in the future, since even with all the input still we could not raise the standards.

A Parent said that they had sent 2 children to Swainby and Potto School. However, they did not receive in their view adequate responses to the questions they had posed. The situation faced by the school was never discussed thoroughly with parents, they said.

The Parent continued that they had been desperate for a solution to the school's situation. However, they felt there had been a lack of leadership. We should have been kept in the loop, they concluded.

A Governor said that there was a confidentiality issue around the head's illness and all could not be explained. There is a confidentiality aspect in employment rules, they explained.

The Parent said that they should still have been kept informed about the head, since children go through school for such a short space of time.

A Resident said that, while this is a consultation, closure appears to be a necessity. So, they asked, what are we consulting on?

Mick Hannon said that catchment areas were a significant area of the consultation. The different proposed catchment areas in the proposal had ramifications for transport eligibility, he added.

The Chair, David Jackson, said that there was a separate meeting arranged for parents with the Admissions and Transport team in which individual eligibility for transport can be discussed.

Andrew Dixon, Strategic Planning Manager, said that any comments on proposed catchment areas, or preferred catchment areas, would be welcome. This is a significant part of the consultation on preferences.

A Parent said that a number of parents had expressed concerns about the proposed split catchment areas. This could mean that they are not eligible for transport to the school that they prefer.

The Parent continued that a shared catchment area between Carlton and Faceby and Hutton Rudby would be the better option.

Andrew Dixon said that a shared catchment proposal is one option. This is a consultation, he continued, and we would welcome any comments on the idea.

Andrew Smith said that in the responses to the previous consultation it came out strongly that the two schools and communities look in different directions. One looks in the direction of Stokesley, the other to Northallerton. The thoughts on proposed catchments reflects this response.

Andrew Dixon explained that this is the first informal consultation. There is a further statutory consultation period, should governors decide to proceed further, and responses to this informal consultation could inform the proposal taken to the statutory consultation stage.

A Resident asked why Osmotherley CP is not also being considered for closure.

Andrew Dixon replied that it was because the school currently has a healthy number of pupils.

A Resident asked whether it was true that a new additional primary school is planned for Northallerton.

Andrew Dixon confirmed that a new school is proposed.

Mick Hannon said that there is concern in the community that when the school is closed and the disposal process is started, the building and grounds will not be maintained. The last thing the Parish Council want is the empty school site becoming a derelict site.

Mr Hannon said that the building and grounds would be maintained by the Local Authority and the Diocese and that if a security fence was proposed, and was of a certain height, planning permission would first be sought, if required.

David Jackson said that while it was likely there would be no children in school from September 2017, the school would actually remain open until December 2017. And the school had budgeted for maintenance work during this period.

Sharon Daley, the interim headteacher, said that there had been some graffiti recently and this had been removed from the school.

Mick Hannon said that there was also some concern about disposal of the site and what the school building could become. He said the Parish Council is taking a keen interest in what the site could be used for. Could it become a nursery?, he asked.

Mr Hannon said there was also the question of how to spend the Friends budgets, since in a sense this is public money. He said that there is £8k in the Ingleby Arncliffe Friends budget and £2k in the Swainby and Potto Friends budget and thought needed to be given on how to spend this public money. Maybe this money should follow the children, he suggested.

A Governor said the Friends money was raised by governors to pay for outings and other activities for the children. It was nothing to do with public money and it was up to them how to spend it.

Andrew Dixon said that the school playing field is owned by the County Council. There is a restriction that any proceeds have to be spent on developing sport. We would normally spend it on sport in the receiving school, he added.

Mick Hannon said that the play equipment in the school field could be relocated in Swainby village. He suggested that good use of it could be made in the village green.

A Resident said that the school's closure should also be a time of thanks-giving for all the things that have happened here. We should give thanks, they suggested.

A Resident asked whether local schools could cope with the children generated from housing developments proposed in the area.

Andrew Dixon replied that is the authority assessment that they can. He said that the authority makes careful forecast assessments which take into account any known housing developments in the area.

The Resident replied that there could be up to 20 houses.

Andrew Dixon replied that the authority works on a pupil yield of one pupil to every four houses and therefore this number of houses does not generate a significant number of children.

David Jackson said that both Hutton Rudby and Carlton and Faceby have a spare classroom that they could use, if needed. However, that requires them to employ another teacher and neither will do that lightly. They want to be very sure that more pupils are arriving and that they can therefore afford to employ more staff.

A Resident said that they felt that the village has been let down.

Mick Hannon said that people should apologise. They should say sorry.

A Resident asked, if the school field is sold, how does the County Council go about disposing of it.

Andrew Dixon replied that it is far too early to say. There is a decision on closure to make first.

Mick Hannon said that the Parish Council would be observant, and take a keen interest the planned use of the building and field.

Andy Lawton, a District Councillor with involvement in the National Park's plans, said that the National Park would be involved in any planning decisions regarding the disposal of land and buildings.

Andrew Dixon said he agreed and there would also be necessary legal checks on any restrictive covenants. He said that this is why he replied earlier to the question about use of the school field that it was too early to say.

Andrew Smith said that he wanted to clarify the ownership. Generally, in voluntary aided schools, the Diocese owns the buildings. While this is strictly speaking also true with Swainby and Potto school, the Diocese have no financial interest in the building.

Mr Smith explained that this is because it was originally conveyed in trust with no final payment by the Diocese. Therefore, if the building is disposed of, the money would ultimately go to the local authority rather than the Diocese.

Mr Smith said he wondered if that helped in answering the question about National Parks. They and the local authority would have to be involved.

The Chair then started to draw the meeting to a close.

8. Closing Remarks

David Jackson closed by thanking the meeting for their questions and saying that there were lots of comments to consider.

Mr Jackson reminded the meeting of the closing date for responses. He concluded by asking for responses to the consultation and said that all responses would be recorded.

Rev Linda Sharp, the vicar in the parish, said that it was necessary to have a proper ending to the school. Therefore there would be a thanksgiving service at the school.

Rev Sharp said it would involve different ways to celebrate the life of the school. It would be a service of thanks for past pupils and involving them and proposed it would take place on a Saturday.

The Meeting Closed at 8.10pm

MA
12 May 2017

Circulation:

Primarily as an Appendix - to **The Report to Governors** on the Consultation.

Chair and Vice Chair of Governors

Sharon Daly, Interim Headteacher,

Jo Mackle,

Andy Lancashire,

Andrew Smith,

Chelo Brooks,

Alison Smith,

Andrew Dixon

CONSULTATION RESPONSES TO SWAINBY & POTTO CONSULTATION

What are your views on the proposal?	Interest
No comments received	Village Resident
Agree with proposals in the document to split the catchment area as proposed. This saves transport costs and lets children be in the catchment area of their nearest school.	Ex Parent
Due to the current situation, educational worries, and recommendation to leave from the Chair of Governors / Head Teacher we felt we had no option but to remove our child from Swainby & Potto School. In the last year 6 children from the Swainby & Potto catchment area have moved to Hutton Rudby School, with another 2 or 3 joining in June. With other families opting to go to Hutton Rudby as their first choice school this means a high percentage of Swainby and Potto catchment children attend this school. I don't know the exact figure but it's in the region of 20 children going to Hutton Rudby and 5 going to Carlton. I would therefore ask that Hutton Rudby can also be looked at as a suggested catchment school as it seems to be the most popular choice with parents. I do know that some parents have recently had application to Hutton Rudby turned down and have chosen Stokesley as their 2nd choice. Unfortunately, I think parents are frightened to choose Carlton as it is another small village school, now after what we have experienced with the amalgamation / closure all we want is stability not the worry of going through a similar situation in 5/6 years' time. I would also like to say that If transport could be provided from Swainby & Potto to Hutton Rudby then this would help alleviate the traffic congestion currently experienced by residents and parents. I do think NYCC should take some responsibility for transport /costs as we as parents have been forced to move its not through our own choice.	Ex Parent
The Diocese of York supports the proposal for the closure of Swainby and Potto CE Primary School having worked with the Local Authority and governing bodies on finding a way forward. Faced with declining numbers, a reduction in the quality and breadth of the curriculum, an unrecoverable budget deficit forecast and the inability to recruit effective long term leadership, the Diocese accepts that, in the best interests of the children, those children would be better served by accessing neighbouring schools, some of whom are existing church schools. The inspection of Ingleby Arncliffe CE Primary (found to be inadequate and requiring special measures) has strengthened the case for closure as no sustainable Academy solution would be found due to the low pupil numbers and deficit financial predictions. In the meantime, the Diocese continues to fully support the interim leadership and the governing bodies of the two schools in their current situation as much as possible.	Diocese
Further to the meeting on the 10th May 2017, one can see the viability of the longer term decisions for youngsters from Potto to be included in the Hutton Rudby School intake present and future and similarly for Swainby pupils to proceed to Carlton and Faceby C.E. School, but in respect of the existing pupils there should be a current provision for them, where possible to be able to attend of their choice if they have developed important and significant peer dependant relationships during their times at the Swainby/Potto C.E. School. Furthermore , in respect of the Swainby Schools existing premises it could be most helpful for the village if the North Yorkshire Moors Park Authority might be able to give some consideration as to making this into a Community Resource Facility, with a particular emphasis upon this region of the North York Moors, and an emphasis upon outdoor activities etc., for children, adolescents and young adults. Perhaps also cafe and walk in educational facilities might be an option?It could in the longer term be useful to retain these premises as any future substantial demographic change may see a recognise a need for appropriate facilities, educational/cultural/environmental etc. Such considerations are viewed as important as the loss of this school and its history has an undoubted Community impact in both the long and shorter term contexts, as may be appreciated by this public response to its closure. May you all be able to make the best decisions for its future in the longer term interests of the Community. Also, I am sure we have all found that there are important lessons to be learned from this Consultation process which may be of help in the future.	Reader Emeritus in the Whorlton Benefice

Equality Impact Assessment

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Proposal to cease to maintain Swainby and Potto Church of England Voluntary Aided Primary School

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	Andrew Dixon, Strategic Planning Manager, CYPS, County Hall
Names and roles of other people involved in carrying out the EIA	Mark Ashton, Strategic Planning Officer, CYPS, County Hall
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Consultation started on 28 April 2017

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

A proposal to cease to maintain (to close) Swainby and Potto CE VA Primary School. A period of consultation with the community has been carried out, including written consultation and a public meeting, followed by a statutory representation period.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The County Council is under a statutory duty to ensure there are sufficient school places in the area, promote high educational standards, ensure fair access to educational opportunity and promote fulfilment of every child's educational potential. There are two key concerns: 1) Very low pupil numbers; 2) The school's financial position; These issues are laid out in detail in the statutory proposal published on 23 June 2017.

Section 3. What will change? What will be different for customers and/or staff?

It is proposed that Swainby and Potto CE VA Primary School should close with effect from 31 December 2017.

If the proposal is approved, the area currently served by Swainby and Potto would in future be served by Hutton Rudby Community Primary School and Carlton and Faceby CE VA Primary School from 1st January 2017 i.e. the start of the new school year.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation period ran from 28th April to 9th June 2017. Consultation documents were distributed to a wide range of stakeholders, and a public meeting was held. The consultation document and responses are included in the report to the Governing Body on 14 June 2017.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Any savings to the Dedicated Schools Grant arising from the closure, if approved, would remain within the ring-fenced Dedicated Schools Grant as part of the funding for all schools. Any revenue or capital balances would be made available to the receiving school in line with the Closing School Accounting Policy.

If the school closed, there would be a potential additional cost to the Local Authority in providing

transport to other schools. Free home to school transport would be provided for entitled pupils within the enlarged catchment area(s) in accordance with the County Council's Home to School transport policy.

The proposed additional cost is £2,850 per annum. Further details can be found in the Report to Executive Members.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		x		Currently there are only 3 pupils and even when sharing classes and teaching with Ingleby Arncliffe School, there are mixed year groups and a limited peer group per academic year. Moving to an alternative school will increase the pupils access to same age peer group.
Disability	x			Pupils – The school is mainstream offering universal provision. Expertise will be utilised from the County Council to provide appropriate SEN support. Staff – As an organisation NYCC will continue to meet the requirements of the Equality Act 2010 which obligates us to make reasonable adjustments to accommodate disabled individuals as employees or service users.
Sex (Gender)	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.
Sexual orientation	x			No impact is anticipated.
Religion or belief	x			No impact is anticipated

Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil partnership	x			No impact is anticipated.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	x			Swainby and Potto CE VA Primary School is classified as a rural school. This does not mean rural schools should not close. It means that the case for closure should be strong and the proposal must be clearly in the best interests of educational provision in the area. Careful consideration has been had to alternatives to closure, transport implications and the impact on local people and the wider community of closure of the school. It is concluded that the case for closure is strong and in the best interests of educational provision in the area.
...have a low income?	x			No impact anticipated

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

All pupils and staff at the school would experience changes under these proposals that staff and governors would need to manage sensitively.

The County Council's Officers now feel that this decision is in the best interests of children and families served by the school. Pupil numbers have fallen to a level where it will be difficult to provide a high quality of education for pupils in the long term.

The Local Authority's Admission Team will work with families to try to meet their individual preferences for primary schools.

Home to school transport will be given in line with the County Council's policy.

<p>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</p>	<p>Tick option chosen</p>
<p>1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.</p>	<p>x</p>
<p>2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.</p>	
<p>3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)</p>	
<p>4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>It is anticipated there would be no identifiable impact on specific groups as a result of the project</p>	

Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Monitoring will be carried out through the County Council's Education and Skills Team and through Ofsted inspections.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

Section 12. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The purpose of the consultation and proposed decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner.



Department
for Education

Opening and closing maintained schools

**Statutory guidance for proposers and
decision-makers**

April 2016

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to establishing (opening) a new school and / or the discontinuance (closing) of an existing school.

The purpose of this guidance is to ensure that good quality school places are provided where they are needed. It should be read in conjunction with Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and *The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013*.

Review date

This guidance will be review in April 2017.

Who is this guidance for?

This guidance is relevant to all categories of maintained school, unless explicitly stated otherwise, and is for those proposing (e.g. governing bodies, dioceses and local authorities (LAs)) to open and / or close a school, decision-makers (LAs, the [Schools Adjudicator](#)), and for information purposes for those affected by a proposal (e.g. dioceses, trustees, parents etc.).

A governing body, LA or the Schools Adjudicator must have regard to this guidance when making decisions under Schedule 2 of [EIA 2006](#) (as amended by [EA 2011](#)) and the details set out in the [Establishment and Discontinuance Regulations](#).

Separate advice is available on making [prescribed alterations to maintained schools](#) and [significant changes to academies](#).

It is the responsibility of LAs and governing bodies to ensure that they act in accordance with the relevant legislation when making changes to or opening or closing a maintained school and they are advised to seek independent legal advice where appropriate.

Main points

- Where a LA identifies the need for a new school, specifically to meet increased basic need in their area section 6A of EIA 2006 places the LA under a duty to seek proposals to establish an academy (free school) via the '[free school presumption](#)'.

The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post–opening costs.

- The final decision on all new /free school presumption proposals lies with the [Regional Schools Commissioner](#) (RSC) on behalf of the Secretary of State.
- Any persons (‘proposer’) for example LA or diocese may publish a proposal at any time for a new school outside of the free school presumption and section 7 competitions process under section 11 of EIA 2006. It is also possible to apply to the Secretary of State for consent to publish proposals to establish a new school under section 10 of EIA 2006.
- All decisions on proposals to open or close a maintained school must be based on the factors outlined in the [guidance for decision-makers](#), following the [statutory five stage process](#).
- Consultations should be carried out in term time to allow the maximum numbers of people to see and respond to statutory proposals.
- Within one week of the date of their publication the documents below **MUST** be sent to the Secretary of State (via schoolorganisation.notifications@education.gsi.gov.uk):
 - a copy of the statutory proposal
 - a copy of the statutory notice
 - a copy of the decision record on the proposal.
- The school organisation team will make the necessary updates to the EduBase system.

2: Establishment of new schools

The following information sets out details of the free school presumption process as well as well as the **other** circumstances in which the establishment of a new maintained school can be proposed.

The free school presumption

Where a LA identifies the need for a new school, to meet basic need, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish an academy (free school) via the '[free school presumption](#)'. The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs. All new free school presumption proposals require the RSC's approval (on behalf of the Secretary of State) as it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

School competitions

If the free school presumption does not result in a suitable proposal, a statutory competition can be held under 'section 7' of EIA 2006. This will not require a separate application for approval, since the Secretary of State will inform the LA that approval to hold a competition is given at the same time as informing the LA that no suitable free school was identified.

Free school presumption proposals and proposals for foundation, foundation special and voluntary schools can be submitted into the competition. However the RSC will consider any free school proposals first when making a decision on the case.

If a free school proposal is considered suitable, the competition ends and the proposer works with the department and LA to progress its proposal. If a free school presumption proposal is not considered suitable, or none are received, the competition continues and it is for the LA to decide on the most suitable maintained school proposal that should be approved. However, if the LA is involved¹ in the Trust of a proposed foundation school, the [Schools Adjudicator](#) will be the decision-maker.

Where approval is given to hold a section 7 competition, the LA must follow the statutory process set out in Schedule 2 to EIA 2006 and the [Establishment and Discontinuance Regulations](#).

For section 7 competitions there is no right of appeal.

¹ As set out in para 10(2) of schedule 2 to EIA 2006

Establishing new provision outside competitive arrangements

It is still possible to publish proposals for new maintained school outside of the competitive arrangements at any time.

Section 11 proposals

Any persons ('proposer') e.g. LA or diocese may publish a proposal, at any time, for a new school outside of the free school presumption and competitions process under section 11 of EIA 2006.

The Secretary of States consent is not required in the case of proposals for:

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary-aided school in order to meet demand for a specific type of place e.g. places to meet demand from those of a particular faith;
- a new foundation or voluntary school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where there were no suitable free school proposals and a competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- a new LA maintained nursery school.

The proposer should be able to demonstrate to the decision-maker a clear demand for the places the new school will provide.

The statutory process in [part 4](#) must be followed to establish the new school. The [Schools Adjudicator](#) will decide LA proposals (and cases where the LA are involved in the Trust of a proposed foundation school). The LA will decide proposals from other proposers.

Section 10 proposals

It is also possible to apply to the Secretary of State for 'consent to publish' proposals to establish a new school under section 10 of EIA 2006:

- to replace a community school; or
- for a brand new or replacement foundation or voluntary controlled school.

Each request for consent will be considered on its merits and the particular circumstances of the case, including whether the need for a new school might be better met by a free school.

If consent is given the statutory process in [part 4](#) must be followed to establish the new school. The Schools Adjudicator will decide LA proposals (and cases where the LA are involved in the Trust of a proposed foundation school). The LA will decide proposals from other proposers.

The table below sets out a summary of the processes.

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator?
Other proposers	Free school presumption	RSC	N/A
LA	Section 11	Schools Adjudicator	CofE Diocese RC Diocese
Other proposers	Section 11	LA (Schools Adjudicator if LA involved in Trust of foundation school)	CofE Diocese RC Diocese Proposers (if LA is decision-maker)
Other proposers	Section 7 (competition)		
	Stage 1. Free school proposals considered first. If a proposal is received and considered suitable completion ends and proposer / LA / department take forward the free school proposal.	RSC	N/A
	Stage 2. Where no suitable free school bid received proposals for new foundation, foundation special or voluntary school submitted will be considered.	LA (Schools Adjudicator)	N/A
LA	Section 10	Schools Adjudicator.	CofE Diocese RC Diocese
Other proposers	Section 10	LA (Schools Adjudicator if LA involved in Trust of foundation school)	CofE Diocese RC Diocese Proposers (if LA is decision-maker)

3: School closures

All decisions related to school closures are taken locally following a statutory process to allow those directly affected by the proposals to feed in their comments.

All decisions on proposals to close a school must be made in accordance with the factors outlined in the [guidance for decision-makers](#).

Who can close a school?

An LA can propose the closure of **ALL** categories of maintained school, following the five-stage statutory process in [part 4](#).

The governing body of a voluntary, foundation, or foundation special school may also publish proposals to close its own school following the statutory process. Alternatively, it may give [at least two years' notice of its intention to close](#) the school to the Secretary of State and the LA.

Reasons for closing a maintained school include where:

- it is surplus to requirements (e.g. result of an area-wide reorganisation and/or neighbouring schools have sufficient places to accommodate displaced pupils);
- it is to be [‘amalgamated’ with another school](#);
- it is failing and there is no viable sponsored academy solution;
- it is to [acquire, lose or change religious character](#); or
- it is being replaced by a new school.

Closure of rural schools

There is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.

When producing a proposal, the proposer must carefully consider:

- the likely effect of the closure of the school on the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;
- the availability, and likely cost to the LA, of transport to other schools;
- any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase; and
- any alternatives to the closure of the school.

When deciding a proposal for the closure of a rural primary school, there is a legal requirement² that the decision-maker must refer to the [Designation of Rural Primary Schools \(England\) Order](#) to confirm that the school is a rural primary school.

Secondary schools are identified on the EduBase system using the Office for National Statistics' [Rural and Urban Area Classification](#). Decision-makers should consider this indicator when deciding a proposal for the closure of a rural secondary school.

The [free school presumption](#) will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school.

In order to assist the decision-maker, the proposer of a rural school closure should provide evidence to show that it has carefully considered:

- alternatives to closure including: federation with another local school; conversion to academy status and joining a multi-academy trust; the scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc.;
- transport implications i.e. the availability, and likely cost of transport to other schools and sustainability issues; and
- the overall and long term impact on local people and the community of the closure of the village school and of the loss of the building as a community facility.

Amalgamations

There are two ways to amalgamate two (or more) existing maintained schools:

- The LA or governing body (depending on school category) can publish a proposal to close two, or more, schools and the LA or a proposer other than the LA (e.g. diocese, faith or parent group, Trust) depending on category, can publish a proposal to open a new school or presumption free school (see [part 2](#)). This results in a new school number being issued.
- The LA and / or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge / change the age range / transfer site (following the statutory process as / when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

² Section 15(7)(b) of EIA 2006

Existing schools wishing to acquire, change or lose a religious character

It is not possible for an existing school to make any change to its religious character. Instead the LA or governing body must publish a proposal to close the existing school, and a faith organisation, as proposer, must issue a 'related' proposal to establish a new voluntary or foundation school, with a religious character. This can be done by either gaining the Secretary of State's consent under section 10 or as a special case under section 11 of EIA 2006.

In **ALL** cases before the religious designation flexibilities can be utilised, the proposer will need to [apply separately, to the Secretary of State, for the new school to be designated with a religious character](#). This would normally be done once the decision on the new school has been approved. Schools that have been designated with a religious character that close will automatically have the designation revoked.

Upon gaining a religious designation a school can not automatically change its admissions policy to include faith-based criteria. It will need to consult in accordance with the [School Admissions Code](#) and determine revised admission arrangements.

The table below sets out a summary of the process for closing a maintained school.

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator?
LA	Following a statutory process to close a community, community special or maintained nursery school	LA	CofE Diocese RC Diocese
LA	Following a statutory process to close a foundation, foundation special or voluntary school	LA	CofE Diocese RC Diocese GB Trustees
Governing Body	Following a statutory process to close a voluntary, foundation or foundation special school	LA	CofE Diocese RC Diocese GB Trustees

NB: the LA must make a decision within a period of two months of the end of the representation period or they must be referred to the [Schools Adjudicator](#).

Two years notice of closure – voluntary and foundation schools

Instead of following the statutory process for closure, the governing body of a voluntary or foundation school may, subject to specified provisions³, give the Secretary of State and the LA at least two years' notice of their intention to close the school.

The trustees of a foundation or voluntary school must give their governing body at least two years notice if they intend to terminate the school's occupation of its site. The minimum two years' notice allows the LA and / or governing body time to make alternative arrangements for pupils.

Closure of a community or foundation special school in the interests of pupils

The Secretary of State may direct⁴ a LA to close a community special or foundation special school if she considers it is in the interests of the health, safety or welfare of the pupils. Prior to making the direction, the Secretary of State, must consult: the LA, any other LA who would be affected by the closure of the school; for a foundation special school with a foundation, the person who appoints the foundation governors; and any other persons the Secretary of State considers appropriate.

The Secretary of State must give notice in writing, of the direction, to both the governing body and head teacher of the school. The school must be closed on the date specified by the Secretary of State.

Temporary school closures

A proposal to close a school is not required where a school will temporarily cease to operate due to a rebuild. Where a school operating over multiple sites proposes to cease operations on one (or more) of its sites the proposal will be for a [prescribed alteration](#) and not a school closure.

³ As outlined in section 30 of the SSFA 1998, and including those in the DBE Measure 1991

⁴ Section.17 of EIA 2006

4: The statutory process

The statutory process for opening⁵ and closing⁶ a maintained school has five stages:

Stage	Description	Timescale	Comments
Stage 1	Consultation	No prescribed timescale.	Informal / pre consultation. Recommended to last a minimum of 6 weeks. School holidays should be taken into consideration and avoided where possible. Likely to be no longer than 12 months.
Stage 2	Publication		Publication of the statutory notice and proposal
Stage 3	Representation	Must be 4 weeks, at least, from date of publication.	Formal consultation. As prescribed in the Establishment and Discontinuance of Schools Regulations and cannot be shortened or lengthened.
Stage 4	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Where permitted appeals must be made within 4 weeks of notification of the decision.
Stage 5	Implementation	No prescribed timescale.	However the date must be as specified in the published notice, subject to any modifications agreed by the decision-maker.

⁵ Under sections 10 and 11 of EIA 2006

⁶ Under section 15 of EIA 2006

Consultation

Except where the school is a rural school or a special school where there are prescribed consultees (see [Annex A](#)), proposers of a school closure must consult organisations, groups and individuals they feel to be appropriate (the information in Annex A can be used for examples). The information that **MUST** be included in a closure proposal is set out at [Annex B](#). The information that **MUST** be included in a proposal to establish a new school under the section 10 or 11 processes is set out in [Annex C](#).

Where a LA or governing body carries out a preliminary (informal/ stage one) consultation to consider a range of options for a possible reorganisation, this would not be regarded as a statutory consultation as set out in legislation. The statutory consultation would need to cover the specific opening or closure proposal of the school in question.

How the stage one consultation is carried out is not prescribed in regulations and it is for the proposer to determine the nature of the consultation and its length (although a minimum of six weeks is recommended). It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. The Cabinet Office guidance on [Consultation principles](#) can be used for other examples of best practice.

Publication

A statutory proposal should be published within 12 months of the stage one consultation period being completed. This is so that it can be informed by up-to-date feedback. A proposal must contain the information specified in either Schedule 1 for establishing a new school (see [Annex C](#)) or Schedule 2 for closing a school (see [Annex B](#)) of the Establishment and Discontinuance Regulations.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, support, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper and in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication of a section 10 or 11 proposal to open a new school, the proposer **MUST** send a copy of the proposal to the LA which it is proposed would maintain the school.

On the day of publication of a proposal to close a school the proposer **MUST** send a copy of the proposal to the governing body/LA (as appropriate).

In all cases, within one week of the date of publication on the website, the proposer **MUST** send a copy of the proposal and the information set above to:

- the Secretary of State (schoolorganisation.notifications@education.gsi.gov.uk);
- the parents of every registered pupil at the school - where the school is a special school;
- the local Church of England diocese;
- the local Roman Catholic diocese; and
- any other body or person that the proposer thinks is appropriate (e.g. relevant faith group).

Within one week of receiving a request for a copy of the proposal the proposer must send a copy to the person requesting it.

Related proposals

A proposal for one change can be linked to another proposal(s) for example such an amalgamation where two schools are closing and are to be replaced by a completely new school or if the need for the closure arises from an area-wide reorganisation such as a result of long-term LA planning.

In these cases this should be made clear in any informal or formal consultation processes, in published notices and proposals. All notices should be published together / or as one notice (e.g. where one school is to be enlarged because another is being closed a single notice could be published) and specified as 'related'.

Decisions on 'related' proposals should also be made at the same time.

Representation

The representation period starts on the date of publication of the statutory proposal and must last for at least four weeks. During this period, any person or organisation can submit comments on the proposal, to the LA, to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker on a school closure proposal, unless the closure proposal is 'related' to another proposal that is to be decided by the [Schools Adjudicator](#).

The Schools Adjudicator will decide LA proposals for new schools (and cases where the LA are involved in the Trust of a proposed foundation school). The LA will decide proposals for new schools from other proposers.

If the LA does not make a decision within a period of two months of the end of the representation period, they must, within a week of the end of the two month period, refer the case to the Schools Adjudicator.

However, the body or individual that takes the decision must have regard to the statutory '[Decision-makers Guidance](#)'.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications, as the LA think desirable, after consulting the LA and/or governing body (as appropriate); or
- approve the proposal – with or without modification – subject to certain conditions⁷ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the [Schools Adjudicator](#) (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a determination the decision-maker must arrange (via the proposer as necessary) for their decision and the reasons for it to be published on the website where the original proposal was published. They must arrange for notification of the decision and reasons for it to be sent to:

- The Secretary of State (via schoolorganisation.notifications@education.gsi.gov.uk)
- the LA (where the Schools Adjudicator is the decision-maker);
- the governing body/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- for a special school, the parents of every registered pupil at the school; and
- any other body considered appropriate (e.g. other relevant faith organisation).

Rights of appeal against a decision

Within four weeks of the decision being made the following bodies may appeal to the Schools Adjudicator against a decision made by a LA:

- the local Church of England diocese;
- the local Roman Catholic diocese;

⁷ As specified in Part 5 (20) of the Establishment and Discontinuance Regulations

- the proposers of section 10 and 11 proposals where the LA is the decision-maker; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to a proposal for closure

On receipt of an appeal, an LA decision-maker must then send the proposal, representations received and the reasons for their decision to the [Schools Adjudicator](#) within one week of receipt.

There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

The proposer must implement a proposal in the form approved, taking into account any modifications made by the decision-maker.

The school organisation team will make the necessary changes to the school(s) EduBase record(s).

Modification post determination

If it proves necessary, due to a major change in circumstance, or unreasonably difficult to implement a proposal as approved, the proposer can propose modifications (for example to the implementation date) to the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Revocation

If the proposer cannot implement an approved proposal because circumstances have changed (so that implementation would be inappropriate or unreasonably difficult) the proposer must publish a revocation proposal, to be relieved of the duty to implement. A revocation proposal must contain:

- a description of the original proposal as published;
- the date of the publication of the original proposal; and
- a statement as to why the duty to implement the original proposal should not apply.

The proposer must publish the revocation proposal on the website (where the original proposal was published) and a brief notice of the proposal in a local newspaper. Details of what must be included in this notice are the same as in the [publication section](#).

Where the proposer is the governing body it must send the revocation proposal to the LA within one week of the date of publication on the website. Where the original proposal was decided by the [Schools Adjudicator](#) the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator.

The LA decision-maker, who must determine the revocation proposal within two months of the end of the representation period, must arrange for the revocation decision to be published on the website where the original proposal and revocation proposal were published. The LA decision-maker must notify those with a [right of appeal](#) of the revocation and their reasons for doing so.

Annex A: School closure consultations

In the case of the closure of a rural primary school or a community or foundation special school proposers **must**, under section 16(1) of EIA 2006 consult:

- The LA (as appropriate);
- The registered parents of registered pupils at the school;
- where the LA is a county council the local district or parish council where the school that is the subject to the proposal is situated; and
- in the case of a special school – any LA which maintains an EHC plan or statement of special educational needs in respect of a registered pupil at the school.

The Secretary of State considers that these bodies, along with those listed below should be consulted in the case of the proposed closure of all schools:

- the governing body (as appropriate);
- pupils at the school⁸;
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group⁹;
- the trustees of the school (if any);
- teachers and other staff at the school;
- any LA likely to be affected by the proposal, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- parents of any pupils at other schools who may be affected by the proposal including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school; and representatives of any trade union of staff at other schools who may be affected by the proposal;
- MPs whose constituencies include the school that is the subject of the proposal or whose constituents are likely to be affected by the proposal; and
- any other interested organisation / person that the proposer thinks are appropriate.

⁸ Under section 176 of the Education Act 2002.

⁹ Under the DBE Measure 1991 Church of England schools must consult with their diocese before making closure proposals.

Annex B: Statutory proposals for school closures

As set out in Schedule 2 to the Establishment and Discontinuance Regulations the information below **must** be included in a proposal to close a school:

Contact details

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

Implementation

The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

Reason for closure

A statement explaining the reason why closure of the school is considered necessary.

Pupil numbers and admissions

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

Displaced pupils

A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

- a) any interim arrangements;
- b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and
- c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintain the school.

Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

Impact on the community

A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

Rural primary schools

Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the local authority or the governing body (as the case may be) considered section 15(4).

Balance of denominational provision

Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Maintained nursery schools

Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- d) the local authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- e) the accessibility and convenience of replacement provision for local parents.

Sixth form provision

Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of—

- a) their educational or training achievements;
- b) their participation in education or training; and
- c) the range of educational or training opportunities available to them.

Special educational needs provision

Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Travel

Details of length and journeys to alternative provision.

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

Annex C: Statutory proposals for establishing a new school.

As set out in the Establishment and Discontinuance Regulations the information below must be included in section 10 and 11 proposals to establish a new school:

Contact details

The name and contact address of the LA or the proposers (as the case may be).

Implementation

The date on which it is proposed that the school be opened or, where it is proposed that the opening be implemented in stages, the dates of and information about each stage.

Where the proposals are to establish a voluntary, foundation or foundation special school, a statement as to whether the proposals are to be implemented by the local authority or by the proposers, and if the proposals are to be implemented by both,

(a) a statement as to the extent that they are to be implemented by each body, and

(b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Reason for the new school

A statement explaining the reason why the new school is considered necessary and whether it is to replace an existing school or schools.

Category

The category of school that it is proposed be established (a foundation or foundation special school and, if so, whether it is to have a foundation, a voluntary school, a community or community special school, or a local authority maintained nursery school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publish the proposals.

Ethos and religious character

A short statement setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

If it is proposed that the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers

intend to ask the Secretary of State to designate the school as a school with such a religious character.

Where it is proposed that the school—

(a) has a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or

(b) adheres to a particular philosophy, evidence of the demand for education in accordance with that philosophy that is not already met in other maintained schools or Academies in the area.

Pupil numbers and admissions

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is to be made at the school.

Admission arrangements

Except in relation to proposals for special schools, the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school which is to have a religious character—

(a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and

(b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Early years provision

Where the proposals are to include provision for pupils aged two to five—

(a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;

(b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;

(c) evidence of parental demand for additional provision of early years provision;

(d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school; and

(e) the reasons why schools and settings outside the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school

and which have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

Sixth form provision

Where it is proposed that the school will provide sixth form education, how for 16 to 19 year olds in the area the proposals will—

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities available to them.

Special educational needs provision

Whether the school will have provision that is recognised by the LA as reserved for children with special educational needs and, if so, the nature of such provision.

Details of the proposed policy of the school relating to the education of pupils with special educational needs.

Where the school will replace existing educational provision for children with special educational needs—

- (a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children;
- (b) details of the improvements that the proposals will bring in respect of—
 - (i) access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority's Accessibility Strategy;
 - (ii) access to specialist staff, both education and other professionals, including any external support or outreach services;
 - (iii) access to suitable accommodation; and
 - (iv) supply of suitable places.

Single sex school

Where the school is to admit pupils of a single sex—

- (a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and
- (b) a statement giving details of the likely effect the new school will have on the balance of provision of single sex education in the area.

Curriculum

Confirmation that the school will meet the general requirements in relation to the curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

Relevant experience of proposers

Evidence of any relevant experience in education held by the proposers including details of any involvement in the improvement of standards in education.

Effects on standards and contributions to school improvement

Information and supporting evidence on—

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and
- (b) how the school will contribute to school improvement.

Location and costs

A statement about—

- (a) the area or particular community or communities which the new school is expected to serve;
- (b) the location of the site or sites including, where appropriate, the postal address or addresses;
- (c) the current ownership and tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;
- (d) whether the site is currently used for the purposes of another school and if so why the site will no longer be required by the other school;
- (e) the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the local authority) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);
- (f) whether planning permission is needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained;
- (g) confirmation from the Secretary of State or LA (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Travel

The proposed arrangements for travel of pupils to the school.

Federation

Details of any proposals for the school to be established as a federated school.

Voluntary aided schools

Where the school is to be a voluntary aided school—

- (a) details of the trusts on which the site is to be held; and
- (b) confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

Foundation schools

Where the school is to be a foundation or foundation special school, confirmation as to—

- (a) whether it will have a foundation and if so, the name or proposed name of the foundation;
- (b) the rationale for the foundation and the particular ethos that it will bring to the school;
- (c) the details of membership of the foundation, including the names of the members;
- (d) the proposed constitution of the governing body; and
- (e) details of the foundation's charitable objects.

Independent schools entering the maintained sector

Where a school is an independent school entering the maintained sector—

- (a) a statement that the requirements of section 11(3) are met;
- (b) a statement as to whether the premises will meet the requirements of the School Premises (England) Regulations 2012(4) and, if not,
 - (i) details of how the premises are deficient; and
 - (ii) details of how it is intended to remedy the deficiency.

Annex D: Further Information

This guidance primarily relates to:

- [The Education and Inspections Act 2006](#), as amended by the [Education Act 2011](#)
- [The School Standards and Framework Act 1998](#), as amended by the [Education Act 2002](#)
- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)
- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The free school presumption – Departmental advice for local authorities and new school proposers \(July 2015\)](#)
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers \(2013\)](#).
- [Presumption against the closure of primary schools](#)
- [Rural and Urban Area Classification](#)
- [The Religious Character of Schools \(Designation Procedure\) Regulations 1998](#)
- [How to apply for religious designation](#)
- [Guidance for decision-makers](#)
- [Schools Adjudicator](#)
- [School Admissions Code](#)

It also relates to:

- [School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)
- [Governors handbook](#).
- [School Premises \(England\) Regulations 2012](#)
- [The School Companies Regulations 2002](#) as amended by the [2003 Regulations](#) and the [2014 Regulations](#)
- [Change your charity's governing document](#)
- [Academies Act 2010](#)
- [Making Significant Changes to an Existing Academy \(2014\)](#);
- [Regional Schools Commissioner](#)
- [Consultation principles](#)



Department
for Education

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