

NORTH YORKSHIRE COUNTY COUNCIL

CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

25 June 2019

PROPOSAL TO CEASE TO MAINTAIN ARKENGARTHDALE CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL

1 PURPOSE OF REPORT

- 1.1 To provide Executive Members with information upon which to make a decision on the proposal to cease to maintain Arkengarthdale Church of England Voluntary Controlled Primary School with effect from 31 August 2019.

2 EXECUTIVE SUMMARY

- 2.1 On 16 April 2019 the Executive approved the publication of statutory proposals to close Arkengarthdale Church of England Voluntary Controlled with effect from 31 August 2019.
- 2.2 This followed careful consideration of the responses to public consultation carried out by the Children and Young People's Service.
- 2.3 The statutory proposals were published on 2 May 2019, giving 4 weeks until 30 May 2019 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(1) of the Education and Inspections Act 2006

Appendix 2: Statutory Proposal for school closure

Annex B: Equality Impact Assessment

Annex C: 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

¹ School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education statutory guidance Opening and closing maintained schools 2018.

(including the County Council's Executive or Executive Members) acting as decision-makers.

4 PROPOSALS

4.1 North Yorkshire County Council proposes:

To cease to maintain Arkengarthdale Church of England Voluntary Controlled with effect from 31 August 2019. It is proposed that the catchment area of Reeth Community Primary School shall be expanded with effect from 1 September 2019 to serve the area currently served by Arkengarthdale Church of England Voluntary Controlled.

5 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 The public consultation commenced on 25 January 2019 and closed on 15 March 2019. Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses to the consultation are included in Annex A, Appendix 2.

5.2 The issues raised, particularly by parents and residents, included:

- Home to school transport for pupils who transfer early and the subsequent re-assessment of eligibility in line for September.
- The difficulty in getting young families to settle in the upper dales and how this had impacted on school numbers.
- Future running of the school building, for the community, by the Parish Council.
- Use of any capital receipt across the Arkengarthdale community rather than across the whole Diocese of Leeds.

5.3 The Executive met on 16 April 2019, considered the 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 2 May 2019.

6.1.1 The public notice, placed on the school gates, on the Council's website, and in the Northern Echo newspaper, invited written objections or comments to be submitted by 30 May 2019. A copy of the notice is attached as Annex A, Appendix 1.

6.1.2 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 website. A copy of the proposal is attached as Annex A, Appendix 2.

6.2 Following the publication of the Statutory Notices, no responses were received by the end of the notice period of 30 May 2019.

7 FINANCIAL IMPLICATIONS

- 7.1 The school playing field, which was gifted to NYCC, has a community-use covenant in the event of school closure. Decisions about the school building, which is not owned by the County Council, will be taken by the owners after the closure proposal has been determined. Legal documents suggest that ownership of the building is held by the Parochial Church Council, rather than the Anglican Diocese of Leeds and that the building is not subject to the normal objects found in trust documents, which normally say that the building is 'only for educational use'. Therefore, in addition to the trustees being the PCC, there is a broader community opportunity for the building. However, the PCC and Diocese of Leeds would need to determine future management and use of the building.
- 7.2 As set out in the report to Executive on 16 April, any annual 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(s) in line with the Closing School Accounting Policy.
- 7.3 If the school closed, there could be a potential additional cost to the Local Authority in providing transport to other schools. Free home to school transport would be provided within the enlarged Reeth catchment area for entitled pupils in accordance with the County Council's Home to School transport policy. Depending on the individual choices of schools by parents, potentially up to 5 children currently living in Arkengarthdale's catchment could be eligible for home to school transport to Reeth CP School. This may require 1 or 2 taxis at a cost of £70 or £140 per day. The increase in traffic likely to result from the closure of the school is considered to be minimal given the small number of pupils.

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 on Opening and Closing Maintained Schools was updated in 2018. 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 REASONS FOR THE RECOMMENDATION.

- 10.1 The report to the Executive on 16 April 2019 set out the key concerns. The latest position on these issues is summarised below.

10.2 PUPIL NUMBERS

The number of children at Arkengarthdale CE VC Primary School has fallen dramatically over the past few years. The school is designed to accommodate up to 60 pupils if all spaces are in use. As of March 2019 there are 5 children on roll in the school. 4 of these 5 pupils are female and 1 is male. This number may reduce to 2 in September, since 3 of the 5 current pupils are in year 6 and will leave for secondary school in September. There have been 0 applications for Reception places to start in September 2019. Forecasts indicate that these numbers will not recover significantly in the longer term.

10.3 BREADTH OF CURRICULUM

Numbers at Arkengarthdale have fallen more quickly than anticipated. As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences they need.

The most recent full Ofsted inspection was in February 2014. At this time there were 31 pupils on roll. OFSTED said that "The teaching is good overall". A more recent "short" inspection in May 2018 confirmed this "good" judgement.

However, as numbers have fallen since then, the School's Governing Body and the Local Authority have become increasingly concerned that pupils do not have access to the full range of experiences they need, particularly opportunities for working and playing with children their own age. These concerns about being able to preserve the quality and breadth of the curriculum are the key concern.

10.4 FINANCIAL POSITION

Pupil numbers determine the school budget. An in-year deficit of £35k for 2019/20 was previously forecast based on a pupil assumption of 9. The position has deteriorated further as pupil numbers have fallen. With these low numbers, and a reduced budget, the finances are not sustainable. The school is now projecting an in year deficit of £66.3k in 20/21, with a cumulative deficit of £116.7k by the end of 2021/22 and there appears to be no reasonable prospect of recovery.

10.5 Primarily for the three key reasons outlined above it is proposed that Arkengarthdale CE VC Primary School should close with effect from 31 August 2019.

Arkengarthdale CE VC 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). 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.

11 HUMAN RIGHTS IMPLICATIONS

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

12 RECOMMENDATIONS

12.1 (a) That having undertaken the required preliminary checks, the Executive Member resolves 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 Arkengarthdale CE VC Primary School with effect from 31 August 2019.

To extend the catchment area of Reeth Community Primary School with effect from 1 September 2019 to serve the area currently served by Arkengarthdale CE VC Primary School.

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

Report prepared by Mark Ashton, Strategic Planning Team.

List of Appendices:

Annex A: Public Notice and Statutory Proposal

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

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Annex B: Equality Impact Assessment

Annex B: School Organisation Guidance for Decision-makers

Background documents

Report to Executive, 16 April 2019

NORTH YORKSHIRE COUNTY COUNCIL
Proposal to Cease to Maintain a School
Arkengarthdale Church of England Primary School

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, intends to discontinue Arkengarthdale Church of England (Voluntary Controlled) Primary School, Arkengarthdale, Richmond, North Yorkshire, DL11 6EN on 31 August 2019.

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 30 May 2019.

Signed: B. Khan
Assistant Chief Executive
(Legal and Democratic
Services)
Publication Date: 2 May 2019

Statutory proposals for school closures

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

Contact details

Proposal, published by North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, to discontinue:

Arkengarthdale Church of England Voluntary Controlled Primary School, Arkengarthdale, Richmond, North Yorkshire, DL11 6EN, from 31 August 2019.

Arkengarthdale CE VC Primary School is a 4-11 Church of England Voluntary Controlled primary school in the Richmond area.

Implementation

It is proposed to close the school from 31 August 2019

Reason for closure

There are three key concerns:

- 1) Low pupil numbers
- 2) Breadth of curriculum;
- 3) The school's financial position

1) Pupil Numbers

The number of children at Arkengarthdale Church of England VC Primary School has been falling over the past few years. As of March 2019 there are 5 children on roll in the school. The school is designed to accommodate up to 60 pupils if all spaces are in use. This number may reduce to 2 in September, since 3 of the 5 current pupils are in year 6 and will leave for secondary school in September. There have been 0 applications for Reception places to start in September 2019. Forecasts indicate that these numbers will not recover significantly in the longer term and, in these circumstances, it is difficult to deliver and sustain quality education.

2) Breadth of curriculum

Numbers at Arkengarthdale have fallen more quickly than anticipated. As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences they need.

The last 'full' Ofsted inspection was in February 2014, when there were 31 pupils on roll and when Ofsted judged the school and its teaching to be "good overall". Ofsted's more recent 'short' inspection in May 2018 confirmed their "good" judgment and commended the collaboration with the larger Richmond Methodist School.

However, as numbers have fallen since then to 5 and possibly to 2 next year, the school's governing body, the Local Authority and the Anglican Diocese of Leeds have become increasingly concerned that pupils do not have access to the full range of experiences they need, particularly opportunities for working and playing with children their own age.

3) The Financial Position

Pupil numbers determine the school budget. The school is projecting deficits in year of £17.4k in 2019/20 and £35k in 2020/21, and cumulative deficit of £68k in 2021/22. These were based on pupil assumptions of 9 in 2019/20 and 5 in 2020/21, so the position will deteriorate further as pupil numbers have fallen and there appears to be no reasonable prospect of recovery.

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.

There are currently 5 pupils on roll at the school as of March 2019. 1 pupil in year 2, 1 pupil in year 4, and 3 pupils in Year 6. 4 out of these 5 pupils are female and 1 of the pupils are male.

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 pupils is not provided as this 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 60 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.

- a) No interim arrangements have been necessary.

There are 2 other primary schools within 6 miles of Arkengarthdale CE VC Primary School. Across the area there are places available for all the pupils currently at Arkengarthdale CE VC Primary School.

The nearest school to Arkengarthdale is Reeth CP which has places available in all year groups apart from Reception. There is currently capacity in all year groups at Gunnerside Methodist, which is the next nearest school. There are also places available at Askrigg CE, Trinity Academy Richmond, Richmond Methodist, St Mary's RC Richmond, Ravensworth CE. All these schools, apart from Trinity Academy Richmond were rated Good in their last Ofsted inspections.

It is proposed that the catchment area of Reeth Community Primary School shall be expanded with effect from 1 September 2019 to serve the area currently served by Arkengarthdale CE VC Primary School.

For any children currently at Arkengarthdale CE VC 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 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.

- b) Not applicable in this case
- c) Not applicable in this case

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 meeting space. In this case there is The CB Inn, Arkengarthdale, Langthwaite, (384 ft from the School), the Church of Saint Mary the Virgin Arkengarthdale (0.3 miles from the School), the Red Lion Inn, Langthwaite, Richmond (0.5 miles from the School) and the Tan Hill Inn, 7.7 miles from the School.

The school has recently been used for the following community activities: the parish council meetings six times a year and a dominoes drive once a year.

Given the small number of community uses of the school premises and the alternative venues available locally, the potential impact of the loss of the school as a meeting space for the parish council should be minimal.

The school building is not owned by the County Council. Decisions about disposal of the school site and buildings will be taken by the owners of the site after the closure proposal has been determined.

The initial legal examination of documents suggests that, due to a 1933 scheme, ownership of the building is held by the Parochial Church Council rather than the Diocese. In addition to the PCC being the trustees, the building itself is not subject to the normal objects found in trust documents, which normally say that the building is 'only for educational use'. Therefore should that cease, there is a broader community opportunity for the building. However, the Diocese of Leeds and the PCC would need to determine future management and use of the building.

The detached playing field land was gifted. There is a covenant for it to be used for community use. Decisions about the future use of the detached playing field will be taken after the closure proposal has been determined.

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 Arkengarthdale CE VC 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 most recent 'full' Ofsted inspection was in February 2014. At this time there were 31 pupils on roll and Ofsted judged the school to be 'good'. In a more recent 'short' inspection in May 2018 Ofsted confirmed this 'good' judgment and commended the collaboration with Richmond Methodist School. However, as pupil numbers have fallen significantly it will become increasingly difficult to meet children's education and social needs even with the existing partnership with another local school.

The impact of falling numbers is a concern. Declining numbers make it difficult to ensure that pupils have the necessary breadth of social experiences, sufficient peer interaction and the opportunity for children to work in groups.

There are 2 other primary schools within 6 miles of Arkengarthdale CE VC Primary School. Both schools were judged good in their last Ofsted inspections. It is not considered that the proposed closure of Arkengarthdale CE VC 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

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. 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>

Depending on the individual choices of schools by parents, potentially up to six children attending Arkengarthdale at the start of the consultation period could be eligible for home to school transport to Reeth CP School. This may require a small mini bus at a cost of £100 per day or, if there are less than 5 pupils, 1 taxi at a cost of £70 per day. Other transport costs may arise dependent on individual circumstances of individual pupils.

Staff from the County Council's Admissions and Transport team have advised some parents at Arkengarthdale CE VC Primary School during the consultation on individual implications regarding home to school transport. 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 it is agreed to close Arkengarthdale CE VC Primary School then the County Council would work with individual families of children attending Arkengarthdale CE VC Primary 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.

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. 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. The fundamental issues of very low numbers, leading to lack of curriculum breadth remain.

Whilst collaboration between schools can enrich children's educational experiences to some extent and lead to sharing of resources or services it cannot guarantee the security of a school, which has reached a critical level in terms of pupil numbers, without other forms of support or intervention. The Governing Body has examined potential federations and amalgamations with other local schools and considered that this would not secure the future of educational provision at the school in the longer term.

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.

Arkengarthdale is a Church of England Voluntary Controlled Primary School. The LA is under an obligation to consider the impact on the proportion of church places before it determines the outcome of school closure proposals. The nearest Church of England School at 15.7 miles away is Ravensworth Church of England Primary School.

Maintained nursery schools

Not applicable

Sixth form provision

Not applicable

Special educational needs provision

The existing provision at Arkengarthdale CE VC Primary School is not reserved for pupils with special educational needs.

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.

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.

Parents were and 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 Arkengarthdale CE VC Primary School catchment area would depend on which other school they attended and their home address. There are 2 other primary schools within 6 miles of Arkengarthdale CE VC Primary School.

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 19 April 2018.

Consultation

The decision to consult on closure was taken by the Executive Member for Schools following a request from governors on 15 January 2019. A consultation paper setting out the proposal was sent to parents of pupils on roll, staff at the school as well as other interested parties and individuals. A copy of the consultation paper is attached as Appendix 1. A list of the consultees is attached as Appendix 2. The consultation period ran from 25 January 2019 to 15 March 2019. A public meeting was held at the school on 18 February 2019, a note of that meeting is attached as Appendix 3. There have been 3 consultation responses received (Appendix 4).

Appendix 1: Consultation Paper

Appendix 2: List of the Consultees

Appendix 3: Notes of the Public Meeting

Appendix 4: Consultation Responses



Consultation Document

Proposal to close Arkengarthdale Church of England

Voluntary Controlled Primary School

from 31 August 2019

Arkengarthdale Church of England Voluntary Controlled Primary School

25th January 2019

This paper sets out details of a proposal to close Arkengarthdale CE VC Primary School with effect from 31 August 2019. It gives the background to the proposal. There will be a public meeting on:

Monday 18th February 2019 at 6.30 pm

at Arkengarthdale CE VC Primary School, Richmond DL11 6EN

The Current Position

At a meeting on 15th November 2018 the Governing Body of Arkengarthdale Church of England Voluntary Controlled Primary School unanimously voted to seek to consult on the school's closure, because pupil numbers have fallen to an unsustainable level. The governing body has written to request that the County Council begin consulting on a proposal to close the school at the end of the current academic year. The Local Authority agree that this is in the best interests of current and future pupils from Arkengarthdale because numbers have fallen to a level where it is difficult to provide a high quality of education for pupils in the long term. The County Council is therefore now consulting on the proposal to close the school with effect from 31 August 2019.

The LA and the Governing Body of Arkengarthdale CE VC Primary School have not reached this decision lightly and have already worked hard to support the school, such as introducing a shared headship and working collaboratively with Richmond Methodist School to make sure that good standards of teaching and learning are available for all pupils.

Background

Arkengarthdale School, near Langthwaite, has collaborated with

Richmond Methodist Primary School in headship and teaching since 2013. Since the outset of the collaboration, the main aim has been to provide pupils with a broad educational experience within a small rural school context. The collaboration, where leadership is shared between both schools, has provided a range of enrichment opportunities for pupils, such as competitive sports, outdoor learning and opportunities to perform in musical events. The collaboration with Richmond Methodist School has also supported the professional development of staff, providing opportunities to teach every week in a larger school context and to share ideas with other teachers. However, Richmond Methodist School's governing body has taken the decision to focus leadership on their school and, as pupil numbers will fall to 2 in September 2019, Arkengarthdale's governors have now reached the conclusion that these measures will not offer a solution that will sustain the school in the long term. The critical concern is the fall in pupil numbers, which would inevitably result in an inability to provide the necessary breadth of curriculum experience and would also irrevocably undermine the schools future financial position.

Pupil Numbers

The number of children at

Arkengarthdale CE VC Primary School has been falling over the past few years. There are 6 pupils on roll at the beginning of this Spring Term 2019 and these are projected to fall to just 2 in September 2019. This is well below the capacity of the school – which is designed to accommodate 60 pupils if all spaces are in use. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further.

In these circumstances, it would be difficult to deliver and sustain quality education.

Breadth of Curriculum

For demographic reasons, numbers at Arkengarthdale have fallen more quickly than anticipated. As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences they need.

The most recent full Ofsted inspection was in February 2014. At this time there were 31 pupils on roll. OFSTED said that “The teaching is good overall”. A more recent “short” inspection in May 2018 confirmed this “good” judgement and commended the collaboration with Richmond Methodist School, particularly the ‘Enrichment Friday’ which enabled pupils to experience learning in a larger school context.

However, as numbers have fallen since then, the School’s Governing Body and the Local Authority have become increasingly concerned that pupils will not have access to the full range of experiences they need, particularly opportunities for working and playing with children their own age.

The Financial Position

Pupil numbers determine the school budget. The school is projecting deficits

in year of £17.4k in 2019/20 and £35k in 2020/21, and cumulative deficit of £68k in 2021/22. These were based on pupil assumptions of 9 in 2019/20 and 5 in 2020/21, so the position will deteriorate further as pupil numbers have fallen and there appears to be no reasonable prospect of recovery.

The Proposal

For the reasons above it is proposed that Arkengarthdale CE VC Primary School should close with effect from 31 August 2019.

The nearest local school, 3.7 miles from Arkengarthdale School, is Reeth Community Primary School. There is also Gunnerside Methodist Primary School, which is 5.8 miles from Arkengarthdale School.

The nearest Church of England School at 15.7 miles away is Ravensworth Church of England School.

Although the school has been collaborating with Richmond Methodist School, there are only limited places available at Richmond Methodist Primary School, which is 15.2 miles from the school.

It is proposed that the catchment area of Reeth Community Primary School is expanded to include the current Arkengarthdale catchment area. This school has the capacity to take the additional pupils and has indicated a willingness to do so. Reeth is currently federated with Gunnerside Methodist Primary School, with a single governing body and some shared staffing arrangements and resources.

The County Council would welcome consultees’ views on the proposed catchment area extension and other options.

For children currently at Arkengarthdale CE VC Primary School, North Yorkshire County Council will work with each family to try to meet their individual preferences for other schools regardless of the catchment area defined. Staff and governors at Arkengarthdale CE VC Primary School are also committed to supporting families in their choice of school and in making a smooth transition.

Some schools may be able to admit over their published admission numbers for some year groups.

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 travel distances from 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 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 or Academy schools, the governing body decides the conditions for admission to their particular school, whilst still bound by the Admissions Code. 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 Karen Crossland on 01609 534950 or Lisa Herdman on 01609 534953.

Staff

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

The School Site

The school building is not owned by the County Council. The detached playing field was gifted and there is a covenant for it to be used for community use. Decisions about the future use of the school buildings and detached playing field will be taken by the owners after the closure proposal has been determined.

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 at the address below:

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

Online responses may be submitted by following this link:

<https://consult.northyorks.gov.uk/snapweb/host/s.asp?k=154529636208>

**The closing date for responses is
Friday 15th March 2019**

All responses to the consultation received by this date will be considered by the County Council's Executive on 16 April 2019.

If the County Council's Executive

decides to proceed with the closure proposal, then statutory notices would be published in the local press on Thursday 2 May 2019. These notices provide a further four weeks for

representations to be made. A final decision would then be made by North Yorkshire County Council's Executive in June 2019. If agreed the school would close on 31 August 2019.

Anticipated Key Dates

All dates are subject to approvals at each stage.

| | |
|--|------------------|
| Consultation opens | 25 January 2019 |
| Public meeting at the school | 18 February 2019 |
| Consultation closes | 15 March 2019 |
| County Council's Executive considers consultation response | 16 April 2019 |
| Statutory Notices published (4 weeks for representations to be made) | 2 - 30 May 2019 |
| Final decision by County Council's Executive | 25 June 2019 |
| Proposed school closure date | 31 August 2019 |

Arkengarthdale CE VC Primary School
A consultation on whether the school should be closed

Observations and/or suggestions:

Interest/Status

e.g. Parent/Governor/Teacher/Community

Name of School

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 published on the County Council’s website where it may be accessed by members of the public. Your personal details will not be published. Please send this response sheet to the following “FREEPOST” address. You do not need to use a postage stamp.

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

Or go to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=154529636208>

and submit your response there

To be received by no later than 15th March 2019

We are collecting this information for the purpose of gathering views on the proposal. Your personal data will not be published or passed to any other organisation unless a legal obligation compels us to do so. We may contact you to discuss your views further. For more information about how your personal data is handled at North Yorkshire County Council please visit: www.northyorks.gov.uk/privacy

Arkengarthdale CE VC Primary School – List of Consultees

Parents of pupils of Arkengarthdale

Staff and governors of Arkengarthdale

Local Authority – North Yorkshire County Council

Local Primary & Secondary Schools

Unions and Professional Associations

Diocese

Any Interest / user groups nominated by the school

Neighbouring Local Authority

Local County Councillor

District Councillor

Richmondshire District Council

Local Parish Council

Local MP

Local Early Years providers within 10 miles – 3 providers

RSC

Secretary of State

Notes of the Public Consultation Meeting concerning Arkengarthdale C of E Primary School.**Meeting held on 18 February 2019** at Arkengarthdale Church of England Primary School

Present: Charles Cody (Chair of Arkengarthdale’s Governing Body); Andrew Dixon (Strategic Planning Manager, North Yorkshire County Council (NYCC)), Richard Noake (Director of Education, Anglican Diocese of Leeds), Helen Ring (Headteacher of Arkengarthdale School), County Cllr Patrick Mulligan (Executive Member for Education and Skills, NYCC), Mark Ashton (Strategic Planning Officer, NYCC), Lindsay Miller (Lead Adviser, NYCC), County Cllr John Blackie (local councillor), Sharon Atkinson (rep Arkengarthdale Sports Ass). David Williams (Governor), Simone Bennett (Deputy Director, Diocese of Leeds), John Sparke (governor), Caroline Hewley (governor/ vicar), John Walkins (parish councillor), Douglas Burnington (governor), Stephen Stubbs (chairman of parish council), Gordon Stainsby (Headteacher of Reeth and Gunnerside primary schools), Brenda Price (chair of governors for Reeth and Gunnerside schools), Susan Dray (clerk, parish council).

Additionally, there were 4 parents, 2 residents and 1 ex pupil present.

Apologies: None
25 people were present.

AGENDA

| | | |
|------|--|---|
| 6:30 | Meeting Opens – Brief welcome | Chair of Governors |
| 6:35 | Chair of Governor’s Opening Remarks <ul style="list-style-type: none"> • Introductions to the Panel • Short statement about background • Handover to LA Officer for short presentation | Chair of Governors |
| 6:45 | Presentation from NYCC and Diocese <ul style="list-style-type: none"> • The proposal • Background to the proposal • Why now • Pupils • Diocese View • How can people comment | Local Authority Officer Leeds Anglican Diocese |
| 7.05 | Executive Member’s Opening Remarks <ul style="list-style-type: none"> • Short statement about consultation on proposal | Executive Member for Education & Skills |
| 7:10 | Question and Answer Session | Exec Member for E&S |
| 7:45 | Closing Remarks | Exec Member E&S |
| 8:00 | Meeting Closes | |

1. Welcome

The Chair of Governors, Charles Cody, opened the meeting at 6.30 and welcomed those present.

2. Chair of Governor’s Opening Remarks

Mr Cody introduced himself as the Chair of Governors of Arkengarthdale Primary School and then introduced various panel members sitting alongside him. He introduced Richard Noake, Director of Education from the Diocese of Leeds, Andrew Dixon, Strategic Planning Manager and Helen Ring, Headteacher of Arkengarthdale.

Mr Cody said that last year Arkengarthdale CE Primary School was inspected by Ofsted and received a good report. However, pupil numbers had declined more quickly than anticipated, to a point where Arkengarthdale School is no longer sustainable. There were no longer enough children in the school's catchment area, of current school age and lower for future pupils. Additionally, were the school to continue with these pupil numbers a deficit financial position would significantly increase. As a result, on 15th November 2018 the governing body had unanimously voted in favour of asking the Local Authority to consult on closure, due to lower than anticipated pupil numbers.

Mr Cody then outlined the agenda, saying there would be an opportunity for questions and answers following a presentation by the Local Authority and the Diocese.

3. Presentation from NYCC and Diocese of Leeds

The Strategic Planning Manager, NYCC said that he was going to present information on the background to the decision and explain the procedure. This information would help those present to ask the panel questions and, during his presentation, he would hand over to the Director of Education for the Diocese of Leeds, Richard Noake, for a comment from the Diocese perspective.

Andrew Dixon said the procedure was a two stage process. The current element is what is known as the informal consultation process and there is always a public meeting as part of the informal consultation process. So this evening's public meeting is just a normal part of the procedure.

Mr Dixon presented several Powerpoint slides, which included explaining the proposal (slides 3 and 4) and the proposal's background (slides 5 and 6).

Mr Dixon then explained that there are two parts to the proposal. The first is that Arkengarthdale Primary School should close on 31st August 2019. The second is that the catchment area of Reeth Community Primary School should be expanded to incorporate the catchment area of Arkengarthdale Church of England Primary School. However, views on this proposed catchment area are welcome from all stakeholders.

Mr Dixon then went on to explain the background to the proposal and in particular that pupil numbers in the school had fallen quicker than expected. Associated with this very low cohort is a concern about the breadth of curriculum experience. Although hitherto the school finances have been sustainable, this would not be the case when pupil numbers fall to the very low numbers predicted.

Mr Dixon explained how it was unexpected that pupils would be in single figures this academic year and how some unexpected withdrawals had brought us to this situation more quickly than anticipated. Another factor was that the school was in a collaboration with Richmond Methodist School which was now coming to an end. These two factors generate uncertainty about how the school will be led in the future, since it is a legal requirement for all schools to have a head teacher and it is very difficult recruit a Headteacher with these numbers.

Mr Dixon then handed over to Mr Richard Noake, who explained the situation from the Diocese perspective.

The Director of Education for the Diocese of Leeds said that, while he could not say it was good to be here, he was pleased to be here to provide the community with an opportunity to ask the diocese questions they may have.

Mr Noake said the Diocese of Leeds has responsibility for 240 church schools. He then explained how Arkengarthdale is one of the diocese schools and how it has been a very positive experience over the years for all of the children who have been taught in the school. This was reflected in the last Ofsted report for the school, which was a positive report, but that Ofsted grade was achieved in their collaboration with Richmond Methodist School.

Mr Noake then explained how the Diocese of Leeds had been involved in the consultation: how the diocese are supportive of this public meeting and of the position that we have now reached in terms of consultation process.

However, more specifically, Mr Noake said he suspected several present may want to ask him questions around the school buildings, i.e. who owns the building who owns the land? Broadly speaking, the answer is: due to a 1933 scheme, the building is held by the Parochial Church Council. In addition to the PCC being trustees, the building itself is not subject to the normal objects found in trust documents, which normally say that the building is 'only for educational use'. Therefore should that cease, there is a broader opportunity for the building.

Mr Noake said that, to some extent, should we get to a point where we do proceed with closure, ownership would be something the Diocese of Leeds would continue to talk with the local community about. The Diocese would need to talk to PCC about their capacity to manage the building.

Mr Noake said he thought the details of ownership and future use of the building was not a discussion for this evening, but that he would be prepared to answer questions on these issues, if necessary. He then handed back to Mr Dixon to continue the Powerpoint.

Mr Dixon then presented slides illustrating the decline in pupil numbers - from 31 in 2013 to the current 6 - in more detail. He explained how Arkengarthdale School building has a capacity for 60 pupils. He then pointed out that, as of the October 2018 census, there were only 9 primary age pupils who lived in the catchment area of the school and that 8 of those attended the school. Numbers have declined since 2013, when there were 31 pupils attending the school. This has gradually declined to 9 in 2018, while currently there are only 6 pupils attending the school. Moreover, 3 of these are in Year 6, and will transfer to secondary education at the end of this academic year, leaving only 3 from the 6 pupils on roll in September 2019. This will not be added to, since there are no prospective pupils looking to join the school in September.

Mr Dixon said that the school's financial projections do not factor in only 3 pupils. The financial projections forecast a £60,000 deficit in 21/22 and that was with higher pupil numbers than are now the case.

In respect to future normal area, Mr Dixon explained how the nearest local school is Reeth, followed by Gunnerside. He said that Reeth and Gunnerside are rated as good schools by Ofsted and are federated, which means they share a single governing body. The proposal is that the catchment area of Reeth be expanded to incorporate Arkengarthdale's catchment, since it is the nearest school. He noted how the school has recently enhanced its collaboration with Reeth.

Mr Dixon said that while this is a consultation on the proposal, it is difficult to find a viable alternative proposal. In terms of exploring alternative options, converting to an academy is not a realistic option due to difficulties with the due diligence requirement to set a balanced budget. Equally, federation is not a realistic option, given the collaboration with Richmond Methodist now concluding. New housing in the catchment area is very low, which means few additional children.

Mr Dixon emphasised that a two-stage consultation process would take place before any decisions on the proposals are taken. The second more formal consultation stage is the period of statutory notices, and this statutory consultation period is a further 4 weeks. With regard to the first informal stage of consultation, he explained that a record will be kept of all questions. All views expressed at this public meeting would form part of the report which is considered when the decision on whether to proceed to the second formal statutory consultation is taken in April.

Mr Dixon then explained that there is a parallel staff consultation process being undertaken. Finally, he handed over to the Executive Member, who he said would now chair the question and answer session, a session which he hoped would help inform responses to the consultation.

4. Executive Member's Opening Remarks

Cllr Patrick Mulligan introduced himself as the Executive Member for Education and Skills at NYCC. He said that the panel would be open to all questions those present might have.

County Cllr Mulligan said that he hoped the panel's answers would help people inform their responses to the consultation. Mr Mulligan then invited questions from those present.

5. Questions and Answers

Stephen Stubbs, chairman of the parish council, asked about the future use of the school building by the parish council. He said that one of the parish council's concerns is that Arkengarthdale School is one of the few public meeting places in the Dales.

Mr Stubbs then asked whether anyone taken this use of the school building by the parish council into consideration?

Richard Noake replied that, while the Diocese would have to look carefully at what the deeds say, it would seem that the building was owned by the PCC.

Mr Noake explained that, usually when closing a church school – and unfortunately he had done that a number of times in the past few years - the Diocese normally applied for a Section 555 Order. This order means that the diocese then sell the school building and that any money made from the sale of the building is invested to support the education of children in the Leeds Diocese. However, in this context, from what his legal advisers have said, the objects of the trust are broader and do not limit the building to educational use. It is inclusive of educational use, but wider than educational use, so that if we do get to the point of closing the school and looking at the future of the building, the diocese would then have to have a conversation with the PCC who are the legal custodians of the building, about future use. The question is then whether the PCC have the where-with-all to maintain the building or whether there is a better option, such as selling it, to release funds for community and educational use. That will not be resolved tonight.

Caroline Hewley, the local vicar and a school governor, then clarified that the PCC refers to the local parish church. She went on to explain how the PCC now covers 4 local churches and was the consolidated single legal entity for them.

A resident said it now covers a wider area than Arkengarthdale.

Rev Hewley agreed that the PCC is now wider and Arkengarthdale parish is no longer a single legal entity.

A resident asked if the distribution of the money from the sale of the building came back to the local community.

Rev Hewley replied that this was jumping ahead from the purpose of this meeting.

Mr Noake said, if we got to that point, legally use of the monies would be for the PCC to determine.

Mr Stubbs then asked whether the parish council would be involved in that decision. He again pointed out that school is where the parish council meet and that they use the school building six times a year for this purpose. He said that the parish council would have a problem with finding somewhere else to meet.

A parish councillor replied that the problem would be funding the upkeep of the building. He understood the current maintenance costs for the school's governors to be in the region of £70k a year and he did not think this level of funding could be provided by the parish council. He said that, in his view, it was now for the church to step up to funding the upkeep of the building in the future.

Rev Hewley replied that the church could not cover that cost.

A parish councillor said that there were 19 people who regularly attended the church and that the parish's annual budget was around £19k. So those 19 regular church-goers contributed circa £1k each, which was generous of them and a notable achievement. However, if you were going to add on another £10k or more to that, for maintaining the school building, that is a lot more expense for those 19 people to burden. When challenged that the running cost could be as much as £70k rather than £10k, he replied that they would have rates, heating and lighting to pay, but the building's running costs would be less than for the school

Mr Stubbs said that, while it was not for this meeting, it was now important for the church to become the hub of the community, and the use of the school building could be part of that.

Rev Hewley reminded everyone that the meeting is on the future of education in the local area, not the school building.

The Chair, County Cllr Patrick Mulligan, thanked those who had expressed their views on the building and asked whether there were any other comments or views.

David Williams, a governor of Arkengarthdale School said that he had been a school governor for a considerable period of time and the governors had not focused their attention primarily on the financial picture in reaching their conclusions. Rather they had reached their conclusions by primarily directing their attention on what would be best for the children attending Arkengarthdale School. The governing body's primary focus was always, he said, on what is in the best interest of its pupils.

Mr Williams continued that he, the chair of governors, the Headteacher and other governors had focused on the few pupils who would remain during their painful deliberations on whether to keep the school open to the end of the next academic year. Unfortunately, they had to conclude, that continuing with such a small cohort would not be in the best interests of the small number of children remaining in the school.

Mr Williams concluded with a comment in respect to the question of acquiring academy status. Mr Williams said that in his view the school had received a high level of support from NYCC and he would not be in favour of academisation of the school.

County Cllr John Blackie, the local councillor, said that when the announcement about the school's future was made in November it was a very black day for all the upper Dales. He said that there are seven primary schools in the upper Dales and that, during his twenty two and half years as a county councillor, this is the first school of the seven primary schools in the upper Dales to close.

Cllr Blackie said that he agreed with Mr Williams that the school had received a high level of support from the council in trying to maintain the school. During his 22 years as the local councillor there have been one or two occasions where the council had to step in and he had worked with them in the background to manage to maintain the school. He would also like to give credit to the governors who have been exemplary over the years and tried their absolute best, along with Richmond Methodist School. While sadly the numbers have not come forward, they had tried to maintain the momentum and keep it an excellent school, as the Ofsted report says. However, he said that, while in 2013 the school had 31 pupils, it is amazing how numbers have just tumbled off.

Mr Blackie said that everyone in the Dales knew him as a fighter and as the last person who would say the school had to close when there was even a small chance of saying no. However, he just did not see how we can fight when the pupil numbers are down to 3 or 4 next September: it is simply not possible, he concluded. So it is a very sad day, but those key players who have been involved deserve every credit and it does seem that they have been undermined by the fact that there aren't young families in the Dales. This is something he is trying to address with the four affordable houses for rent near the village chapel. He is very near to establishing the financial package that would enable the development of those four affordable houses. Even though there will not be a local school right on their doorstep, Reeth isn't so far away and at least Arkengarthdale will be in a position to welcome young families once the houses are built.

A parent asked a question regarding transport. The parent said if the school closes, Arkengarthdale's children will get transport to Reeth Primary School. However, he is the parent of a pupil in the school with no pupils in the year below and no one in the year above, so the pupil hasn't really got any friends of the same age. He was led to believe that if he took his child out now and admitted her to Reeth School the family would have to organise their own transport to Reeth until Arkengarthdale closed. Following closure, they would then have to apply to receive transport to Reeth next year.

Cllr Mulligan asked Andrew Dixon to respond to the parent's concern.

Mr Dixon responded by reassuring the parent that they did not need to re-apply for transport in September, if they had moved during the consultation period. However, he said that there is a statutory consultation process to follow regarding the proposal, so we have to be careful that we are not seen to pre-empt the decision.

Mr Dixon explain to the parent that if they asked for transport now, under the terms of the policy, it would be declined. However there is an appeals procedure. Anybody who is declined for transport can appeal the decision. But that would only be for the period, starting from when their son or daughter moved school, to the start of the academic year. Were the school to close all transport eligibility would be automatically reassessed. So they won't have to apply.

A parent said that they had been told that they only assess the child for transport eligibility once, and it is at the point they move schools. They had been told by admissions that the admissions team do not re-assess a child's eligibility for transport. They have already moved one child to Reeth, with another child still on roll at Arkengarthdale. She was told that the

only way she can get transport for the child who has already moved school is to appeal, because they have been clearly told that they will not re-assess his eligibility in September.

Mr Dixon replied that in most cases that is the correct answer. But we recognise that where there is a material change in circumstances in that the actual catchment area is changed there is discretion not to apply that rule.

A parent asked, whether, for the start of the new academic year in September, if pupils have been moved they will be re-assessed for transport.

Mr Dixon replied that there is a distinction between moving from choice and what we have in this scenario, which is a material change in circumstances. And in the second scenario, there is a re-assessment. He then added a note of caution. If there was a parent living in Arkengarthdale who had always sent their child to Reeth, and had not moved them as a result of the current consultation, their child would not be re-assessed. But if a parent has moved a child after the consultation process had been notified, then that is clearly a different scenario.

Mr Dixon went on to clarify two timescales. There is the current period, where we are going through due process and cannot pre-empt that decision. Parents will know by the end of June that a decision on Arkengarthdale's future had been taken. Following that decision, NYCC admissions would then reassess some pupils for transport. NYCC would know which pupils had transferred from Arkengarthdale to Reeth (or elsewhere) from the start of the consultation period and therefore which pupils to reassess.

Cll Blackie asked whether, in the event that the school building had to be sold, there is any guarantee from the diocese that the money will come back to Arkengarthdale. He said that the Arkengarthdale community will be disappointed if the funds from the building do not come back into the community the building serves, rather than being dissipated across the whole diocese.

Mr Noake confirmed that, as he had previously explained, use of the sale money would be governed by the Parochial Parish Council given they are the trustees of the site. However, he explained that these questions would have to be very carefully considered, should we reach the point where the school building is sold. He said that it is very likely to be a number of years before this type of property is sold, given a number of other similar sales the diocese is managing. Legal support will be made available for the PCC from the diocese.

Cllr Blackie replied by citing a school in Hawes which had been sold by the diocese and where the money from the sale of the school building had not been seen by the Hawes community.

Mr Noake replied that the money from the sale of the school in Hawes had not yet been settled because the legalities of the sale had still not been finally settled.

Cllr Blackie questioned rhetorically whether that delay meant there was therefore still an opportunity for the Hawes community to receive the money.

Mr Noake said the legal side of that sale is an example of how long disposal of a school building can take.

A resident asked if, like Hawes, the sale of Arkengarthdale School were to take time, would the building be available to the local community to use for that period?

Mr Noake said that would be an issue for the PCC. He said he was sorry to put it back to the PCC, but that was the position in this case.

A resident asked about the impact of increased pupil numbers on the schools at the Reeth and Gunnerside. They asked, if numbers in those schools are picking up, whether the Arkengarthdale school building could become part of the Reeth and Gunnerside federation. The irony would be, they continued, that numbers in those schools are going up and then additional capacity from the school building in Arkengarthdale was needed. It seemed quite hasty to be closing the school when pupil numbers across the Dale could pick up rapidly.

Mr Dixon replied that he did not see that scenario.

The resident continued the theme, saying the building should be kept as part of the local school network in order to future proof against increasing numbers. They said that they were new to the area and that they had seen their old school close, only for the need for a new school to be opened some years later. Could this not also be the case in Arkengarthdale?

Mr Dixon said that in this case analysis and forecasts suggest a decline in numbers. Additionally, he could not see that either amalgamation or federation would be a solution or option, the distinction being that in federation two schools come together and continue to use both school buildings but combine their governing bodies and usually their Headteacher. Amalgamation involves the technical closure of one of the schools and another school continues, but continues across more than one site. He said that neither of these scenarios would be attractive because of the inherent running costs of the building in Arkengarthdale when another school which is providing education would not need another building.

The resident then asked about the projection for numbers

Mr Dixon replied that in Reeth and Gunnerside it is quite static and the forecasts are not predicting an increase in pupil numbers in that area. As has already been described in relation to the absence of young families in the Dale, we are not seeing an increase in pupils. So numbers are relatively static and both buildings have surplus space and capacity. Certainly if you look across both buildings there is more than ample room for the children.

Cllr Blackie asked for the actual numbers.

Mr Dixon said that Reeth is 43 and Gunnerside is 19. He asked the Headteacher of Reeth and Gunnerside whether he agreed with these numbers and the analysis.

Gordon Stainsby, the Headteacher of Reeth and Gunnerside primary schools, said that stable numbers is an accurate description of the situation across his two schools. He said that you can only look so far down the telescope in terms of pupil numbers because the children we are talking about will in early years or not even born yet.

Mr Stainsby, Head of Reeth and Gunnerside, said that in terms of projecting the future, in the short term they knew of at least 3 potential reception children in the area and, longer term, were also talking to people locally about which families are likely to have children attending school in the future.

A parish councillor agreed with Mr Stainsby and said, while it is very difficult to get young people into the Dale, the parish are trying to encourage affordable housing. He said that Richmondshire District Council was supporting the Parish Council's initiative in their Local Plan. However, he said that it was not just housing that young families required, but also communications, particularly internet and mobile phone connections. He argued that if mobile communications and affordable housing are both available, then maybe in the next 10 years or so the Dales could see young people moving in to the area.

Mr Dixon said that was commendable, but based on the trajectory they had seen, there was not a significant increase in pupils forecast for the area.

A resident asked whether the pupil forecasts were fairly arbitrary, in that the Powerpoint presentation had shown the trend from 2013 onwards.

Mr Dixon said that, in putting the presentation together, he had thought this to be a reasonable period and that he had thought showing a table from 2013 onwards was sensible because this was the point at which the last full OFSTED inspection of the school was undertaken. It is correct to say that numbers have fluctuated during this period and in earlier years. However, the table does show an overall downward trend since that time.

Cllr Mulligan starting to draw the meeting to a close, by asking whether there were any final questions.

Mr Noake said that while it does not help the current situation at Arkengarthdale, the Diocese of Leeds, including the Bishop, and the Diocese of York had earlier that day met with Stuart Carlton, the Director of Children's Services, Judith Kirk the Assistant Director and Richard Flinton the Chief Executive of NYCC to have a much more strategic discussion about how they can safeguard rural communities. That is not just about education. It is about the totality of what goes together to make a sustainable rural community.

A resident said that they could start by providing better services, that they had no bus service or phone service, the internet speeds are very slow. For people who want to work from this community, these are the key problems. It is not just about farming any more, and to enable the Dale to thrive they have to enable more people to work from home.

Mr Noake said that, while he would be the first to recognise this as true, and the four affordable homes to be erected is a starting point for the community, the local authority's basis for projecting pupils from houses would mean that those houses would only generate one child. Far more houses would be required in the area to sustain the school.

A resident said receiving planning permission for new houses was difficult because the National Parks stop people from building, or converting barns, since they want to make the Dales into a museum.

A resident reiterated that the lack of a reliable mobile phone signal in Arkengarthdale was a serious issue, since in their view prevented economic growth.

Mr Noake responded by saying that, while it is perhaps no comfort to the present particular consultation on a proposal, from the Church's point of view, the conversations they are having generally as a diocese are often around rural sustainability. This includes a perspective on education but is a broader conversation and the Church itself is constantly having to ask those questions, in particular how are rural parishes sustainable. The bringing together in this area of two local parishes is an indication of this.

Mr Noake said that the diocese intend to continue their robust conversation with the leaders of North Yorkshire County Council about how they can work together to safeguard their rural communities, recognising, however, that sometimes you are faced with this type of situation. He said that, in the current climate with the current core curriculum, it is difficult to deliver that curriculum to one class of five to eleven olds.

Mr Noake said that he did not become a Director of Education to close schools. However, sadly over the past five years he had been involved in seven closures and all of those have been in a rural context, where it is the last thing that you want. That is not what he thought

he would be doing in becoming a Director of Education but, as educators, you get to that point where you have to ask questions about the quality of education with such small numbers. And these questions about the quality of provision due to small numbers are the questions that govern this consultation, though this is not say that the quality of education has not previously been excellent. It has been excellent.

A resident said the school has a history of educating children for 360 years in the Dale and had any thought gone into ending on a celebration of this history, rather than on a sad note.

Mr Noake thanked the resident for raising this positive note. He said it was very important to have a positive ending, something that is celebratory of hundreds of years of education, while recognising that it is a black day. Mr Noake cited Rathmell School closure as an example of where there was a celebratory service that included people in their eighties recollecting their positive experiences in the school. He applauded that model and said both the diocese and local authority would support it, if that point is where we get to at the end of the two consultation periods.

Mr Cody, the chair of governors, said that the governing body had already approached the local church and parish council to enquire about possibilities for a celebratory service to commemorate the school positively.

8. CLOSING REMARKS

The Chair, Cllr Mulligan, started to draw the meeting to a close by thanking everyone for attending. He said that while this was a sad occasion the theme of celebration just under discussion was a central one to close on.

Cllr Mulligan then thanked the meeting for their thoughtful questions and, in particular, he wanted to assure them that all of their comments would be included in the minutes and considered in the final report.

The Meeting Closed at 7.20pm

CONSULTATION RESPONSES TO ARKENGARTHDALE CONSULTATION

| What are your views on the proposal? | Interest |
|--|---|
| <p>As a resident distressed at the school closure and aware of the meeting I chose to attend and would like to make some observations. I am surprised that the decision to close the school was made before its ownership was established. Apparently the owners have no obligation to retain the building for any educational purpose or community benefit. For many years this school has served as venue for meetings, events, teas etc. and successfully met educational and pastoral needs. Closure was deemed unavoidable due to a decrease in pupils, this was illustrated by a linear decline over the past 5 years. Over a longer time scale, pupil numbers have both fallen and risen. I believe there are two main causes; a redistribution of pupils between the two schools in Swaledale and Arkengarthdale school and a shifting population out of and into the dale. Between 2001-2013 I can think of at least 24 pupils joining the school from families moving into or back to the dale. The projections for future pupil numbers seemed based upon current residents. A resident who recently moved to the dale, cited at the meeting the precedent of her small village school closing before an influx of school aged children to the village. Since the meeting a family with school aged children has taken residence here. The loss of our school will do nothing to attract young families into the dale. Its loss will be a great blow to local residents both current (many of whom knew nothing about the closure or the public meeting) and in the future. Would it be possible to retain and expand the use of the school for non educational use for a few years and then re assess the situation?</p> | <p>resident / ex parent / ex governor at school</p> |
| <p>We are sorry that pupil numbers have fallen to an unsustainable level at Arkengarthdale Primary School; the proposed closure will be a loss to the community. However, we recognise and agree with the rationale of governors and the Local Authority detailed in the consultation document. As indicated in discussions with Strategic Planning, Reeth Community Primary School has capacity to accommodate pupils from the Arkengarthdale catchment area and, as the nearest school to Arkengarthdale, it is logical to expand the Reeth catchment area to cater for the pupils in Arkengarthdale too. We realise the importance of effective transition for families. In recent months we have worked in collaboration with staff of Arkengarthdale Primary School, with pupils attending Reeth Primary School on Friday each week. Pupils have enjoyed the chance to work and play together. Many of them know each other already through out of school activities such as Scouts, football training and dance classes. Since autumn term 2018, some families have approached us to explore transition for their children ahead of the proposed closure. We have worked closely with these families, supporting them with their decision making, offering taster days and making arrangements to ensure that they are made to feel welcome. At the public meeting, it was reassuring to hear that transport arrangements for pupils that move ahead of the proposed closure will be reviewed if the school closes. A number of parents have shared their concerns about future transport arrangements, and they were encouraged by this update. We are committed to providing an effective transition for families and will continue to work in close collaboration with Arkengarthdale Primary School to achieve this. On behalf of staff and governors of Reeth and Gunnerside Schools.</p> | <p>Headteacher</p> |
| <p>As a Governor I agree with the closure of the school given the falling numbers of children. Assuming the school is closed it would be very useful to undertake a feasibility study to make a full, thoroughly researched and comprehensive assessment of the potential of the building within the community. I think any proposals to use the building in the future for a community use must be sustainable. My second and final point is regarding availability of school transport for those children who left Arkengarthdale School earlier in the academic year to attend Reeth School. It seems that the decision to attend a non catchment school then precludes you from free transport when it does become your catchment school following closure. This seems to be a very strange loop hole which in my opinion needs to be addressed.</p> | <p>Governor</p> |

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

(Form updated April 2019)

Proposal to cease to maintain Arkengarthdale Church of England Voluntary Controlled 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 پوچھیے۔



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, Andrew.Dixon@northyorks.gov.uk |
| Names and roles of other people involved in carrying out the EIA | Mark Ashton, Strategic Planning Officer, Mark.Ashton@northyorks.gov.uk |
| 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 25 January 2019 |

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) Arkengarthdale CE VC Primary School. A period of consultation with the community has been carried out, including written consultation and a public meeting to be followed (subject to approval) 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 three key concerns: 1) Low pupil numbers; 2) Breadth of curriculum; and 3) The school's financial position. These issues are laid out in detail in the consultation document and the report to CYPS Executive Members on 15 January 2019.

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

It is proposed that Arkengarthdale CE VC Primary School should close with effect from 31 August 2019. If the proposal is approved, the area currently served by Arkengarthdale CE VC Primary School would in future be served by an alternative school(s) from 1 September 2019. This will be the subject of further consultation with local schools during the 4 week representation period.

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 25 January 2019 to 15 March 2019. 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 Executive on 16 April 2019.

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.

There may be some additional pupil transport costs.

Please explain briefly why this will be the result.

If the school closed, there could 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 in accordance with the revised catchment area arrangements in accordance with the County Council's Home to School transport policy. An assessment will be made based on current pupil numbers and places of residence to establish if any pupils are eligible for free home to school transport.

| 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 | X | Currently there are only 5 pupils on roll at the School (3 pupils in year 6, 1 pupil in year 2 and 1 pupil in year 5). The 4 females and 1 male are in one mixed year group and as such there is a limited peer group per academic year. Moving to an alternative school will increase the pupil's access to same age peer group. |
| Disability | X | | | <p>Pupils – The school is mainstream offering universal provision.</p> <p>Expertise will be utilised from the County Council to provide appropriate SEN support.</p> <p>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.</p> |
| Sex | 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 | The nearest Church of England school is 11.4 miles away. |
| 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 | This proposal would have an adverse impact for those living within its catchment that attend the school as they would have to travel to alternative schools. Of the 5 children currently on roll, 3 are in Year 6 and will transfer to local secondary schools |

| | | | | |
|--|---|--|--|---|
| | | | | <p>in September and only 2 Arkengarthdale pupils will transfer to a primary. The nearest primary school to Arkengarthdale is Reeth CP.</p> <p>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. 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.</p> |
| ...have a low income? | X | | | No impact anticipated |
| ...are carers (unpaid family or friend)? | X | | | No impact anticipated |

| | |
|--|---|
| Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply) | |
| North Yorkshire wide | |
| Craven district | |
| Hambleton district | |
| Harrogate district | |
| Richmondshire district | X |
| Ryedale district | |
| Scarborough district | |
| Selby district | |
| If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below. | |
| <p>The village of Arkengarthdale will be impacted by the loss of its primary school and the village of Reeth will be impacted because it is proposed that the catchment area of Reeth Community Primary School shall be expanded with effect from 1 September 2019 to serve the area currently served by Arkengarthdale CE VC Primary School. There are places available for all the pupils currently at Arkengarthdale CE VC Primary School.</p> <p>There is currently capacity in all year groups at Gunnerside Methodist, which is the next nearest school. There are also places available at Askrigg CE, Trinity Academy Richmond, Richmond Methodist, St Mary's RC Richmond, Ravensworth CE. All these schools, apart from Trinity Academy Richmond were rated Good in their last Ofsted inspections.</p> <p>In some communities the school is the only meeting space. In this case there is The CB Inn, Arkengarthdale, Langthwaite, (384 ft from the School), the Church of Saint Mary the Virgin Arkengarthdale (0.3 miles from the School), the Red Lion Inn, Langthwaite, Richmond (0.5 miles from the School) and the Tan Hill Inn, 7.7 miles from the School.</p> | |

The school has recently been used for the following community activities: the parish council meetings six times a year and a dominoes drive once a year.

Given the small number of community uses of the school premises and the alternative venues available locally, the potential impact of the loss of the school as a meeting space for the parish council should be minimal.

The school building is not owned by the County Council. Decisions about disposal of the school site and buildings will be taken by the owners of the site after the closure proposal has been determined.

The initial legal examination of documents suggests that, due to a 1933 scheme, ownership of the building is held by the Parochial Church Council rather than the Diocese. In addition to the PCC being the trustees, the building itself is not subject to the normal objects found in trust documents, which normally say that the building is 'only for educational use'. Therefore should that cease, there is a broader community opportunity for the building. However, the Diocese of Leeds and the PCC would need to determine future management and use of the building.

The detached playing field land was gifted. There is a covenant for it to be used for community use. Decisions about the future use of the detached playing field will be taken after the closure proposal has been determined.

Section 9. 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 continue to work with families to try to meet their individual preferences for primary schools.

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

| Section 10. 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) | Tick option chosen |
|---|---------------------------|
| 1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified. | X |
| 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. | |
| 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) | |
| 4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped. | |

Explanation of why option has been chosen. (Include any advice given by Legal Services.)

This proposal would have an adverse impact for those living within its catchment that attend the school as they would have to travel to alternative schools, as set out above in Section 7.

Arkengarthdale CE VC 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.

Section 11. 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 of standards will be carried out through the County Council's Education and Skills Team and through Ofsted inspections. Monitoring of sufficiency of school places in the Arkengarthdale area will be undertaken by the CYPs Strategic Planning Team.

Section 12. 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 | | | | |

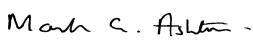
Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

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. In order to achieve these aims, despite the adverse impacts identified, the proposal to cease to maintain the school needs to be considered.

Section 14. Sign off section

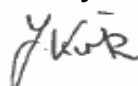
This full EIA was completed by:

Name: Mark Ashton
Job title: Strategic Planning Officer
Directorate: CYPs

Signature: 

Completion date: March 2019 (on the old form). Revised May 2019 on the new form.

Authorised by relevant Assistant Director (signature):



Date: 31 May 2019



Department
for Education

Opening and closing maintained schools

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

November 2018

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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, and that surplus capacity is removed where necessary. 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 reviewed in November 2019.

Who is this guidance for?

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

Proposers and decision-makers must have regard to this guidance when making proposals or decisions related to Schedule 2 of [EIA 2006](#) (as amended by [EA 2011](#)) and the [Establishment and Discontinuance Regulations](#).

Separate advice is available on making [prescribed alterations to maintained schools](#) and [significant changes to academies and academy closure by mutual agreement](#). 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 them under a duty to seek proposals to establish an academy (free school) via the '[free school presumption](#)' process. 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.
- In November 2018, the department launched a capital scheme for proposers to apply to the department for capital funding to support the creation of new voluntary aided (VA) schools.
- It is possible for any person ('proposer'), in certain circumstances, to publish a proposal for a new school outside of the competitions processes 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 made with regard to the factors outlined in this guidance and follow the [statutory process](#).
- Consultations should be carried out in term time to allow the maximum numbers of people to see and respond to statutory proposals.
- The decision-maker will need to be satisfied that any consultation carried out was appropriate, fair and open, and that the proposer has given full consideration to all the responses received.
- The decision-maker must consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents¹ of children at the affected school(s).
- In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (intervening in falling, underperforming and coasting schools) has been considered where necessary.
- Within one week of the date of their publication the documents below **MUST** be sent to the Secretary of State (via schoolorganisation.notifications@education.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 [Get Information About Schools](#) (GIAS) system.

¹ A 'parent' should be considered to be anyone who has parental responsibility, including parents, carers and legal guardians.

2: Establishment of new schools

The following information sets out details for the establishment of a new maintained school.

| Type of Proposal | Proposer | Decision-Maker | Right of appeal to the Adjudicator? |
|--|---|--|--|
| Free School Presumption | Other proposers (academy trusts/sponsors) | RSC (on behalf of the Secretary of State) | No |
| <p>Section 7 (Stage 1)</p> <p>A free school proposal will be considered first. If a proposal is received and considered suitable the competition ends and the proposer/LA/department, take forward the free school proposal.</p> | Other proposers | RSC (on behalf of the Secretary of State) | No |
| <p>Section 7 (Stage 2)</p> <p>Where no suitable free school bid is received, proposals submitted for a new foundation, foundation special or voluntary school will be considered.</p> | | LA ² (Schools Adjudicator where the LA is involved in the Trust of a foundation school) | |
| Section 11 | Other proposers | LA ³ | <p>CofE Diocese</p> <p>RC Diocese</p> <p>Proposers (if the LA is the decision-maker)</p> |

² Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

³ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

| Type of Proposal | Proposer | Decision-Maker | Right of appeal to the Adjudicator? |
|------------------|---------------------|---|--|
| Section 10 | LA | Schools Adjudicator | No. |
| | All other proposers | LA (Schools Adjudicator where the LA is involved in the Trust of a foundation school) | Where the LA is the decisioner maker; Proposers CofE Diocese RC Diocese |

Related proposals must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Decisions for 'related' proposals should be compatible.

Where a proposal may impact on a proposal to be decided by the [Regional Schools Commissioner](#) (RSC) (e.g. for the establishment of a new free school through the presumption process) the decision-maker should defer taking a decision, where possible, until the RSC (on behalf of the Secretary of State) has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

The free school presumption

Where a LA identifies the need for a new school, to meet basic need for additional school places, 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.

Local authorities planning a presumption project to establish a primary school should include nursery provision in the specification, unless there is a demonstrable reason not to do so.

In considering the need for a new school the LA, or the Schools Adjudicator where appropriate, should take account of any proposals they are aware of that will meet that need. If a local authority has received a proposal for a new local authority maintained school, and subsequently identifies the need for a new school, then the local authority can decide the maintained school proposal⁴ before deciding whether it is necessary to seek proposals via the free school presumption.

School competitions

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

The LA is expected to provide premises and meet the capital costs of implementing the winning proposal, and must include a statement to this effect in the notice inviting proposals. Where the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition exceed the initial cost estimate made by the LA, the decision-maker should consider the reasons for the additional requirements and/or costs, as set out in the proposal and whether to agree to their provision.

The specification for the new school is only the minimum requirement; a proposal may go beyond this. Where a proposal is not in line with the specification, the decision-maker should consider the potential impact of the difference to the specification. Free school proposals and proposals for foundation, foundation special and voluntary schools can be submitted into the competition. However, the RSC (on behalf of the Secretary of State) 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 is received, the competition continues and it is for the LA to decide whether to approve one (or more) of the maintained school proposals. However, if the LA is involved⁵ in the Trust of a proposed foundation school, or fails to determine the proposals within 2 months, the [Schools Adjudicator](#) will be the decision-maker.

Where a LA holds 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](#). Where appropriate (e.g. where two or more proposals are complementary, and together

⁴ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

⁵ As set out in paragraph 10(2) of Schedule 2 of the EIA 2006

meet the requirements for the new school), the decision-maker may approve all the proposals. For section 7 competitions there is no right of appeal.

Establishing new provision outside competitive arrangements

It is possible to publish proposals for a new maintained school outside of the competitive arrangements at any time. Sections 10 and 11 of the EIA 2006 permit proposals to establish new schools under certain conditions either with the Secretary of State's consent (section 10 cases) or without (section 11 cases).

In all cases proposals must follow the required statutory process and may be for a school with or without a designated religious character.

Section 11 proposals

Any persons ('proposer') e.g. a 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 State's 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 (e.g. in order to meet demand for a specific type of place such as demand from those of a particular faith);
- a new foundation or voluntary controlled 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 a section 7 competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- a new maintained nursery school.

The statutory process described in [part 4](#) must be followed to establish the new school.

In November 2018, the department launched a capital scheme to support the delivery of new voluntary aided schools.

Proposals to establish new voluntary aided schools are made under section 11, and guidance is available at www.gov.uk/government/publications/voluntary-aided-schools-capital-scheme.

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:

- for a community or foundation school to replace an existing maintained school; or
- for a brand new foundation or voluntary controlled school.

Each request for consent will be considered on its merits and the particular circumstances of the case.

Proposers should wait to receive confirmation of consent before following the statutory process in [part 4](#) to establish the new school. The Schools Adjudicator will decide LA proposals (as well as proposals where the LA are involved in the Trust of a proposed foundation school, or fails to determine the proposals within the specified time). The LA will decide proposals from other proposers⁶.

When considering section 10 and 11 proposals, the decision-maker should take into account the number of surplus places in schools elsewhere in the local areas and the predicted medium and long-term need for places, the demand for a particular type of school place, as well as any plans for the reorganisation of schools in the local area.

Demand v need

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 a free school via the '[free school presumption](#)'. However, it is still possible for proposers to publish proposals for new maintained school outside of the competitive arrangements.

In evidencing the demand for new school places proposers will need to demonstrate, and in assessing proposals decision-makers should consider:

- the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools), in relation to the number of places to be provided.
- the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.
- the popularity of other schools in the area and evidence of parental demand for a new school. Whilst the existence of surplus capacity in neighbouring schools should not in itself prevent the creation of new places, they should consider the impact of the new places on existing educational provision in the local area.

⁶ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards. However, excessive surplus capacity should be managed appropriately.

Proposed admission arrangements

In assessing demand, proposers and decision-makers should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal the decision-maker should confirm that the admission arrangements of the school are compliant with the [School Admissions Code](#). Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community⁷.

School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

The decision-maker must consider the impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals (e.g. where there is a proposal to establish new single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand). Similarly, there should be a

⁷ Under sections 90, 91, 92 and 93 of the Education Act 2002.

commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, whilst ensuring that such opportunities are open to all.

Integration and community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of and respect for, other cultures, faiths and communities. The proposer and decision-maker should consider the impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Strategy](#).

When considering publishing or deciding a proposal, the proposers and the decision-maker should take account of the community to be served by the school and the views of different sections within the community. They should also consider the following points:

- Whether the school will be welcoming to pupils of any faith and none; and show how the school will address the needs of all pupils and parents.
- Whether the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
- Whether the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none.
- Whether the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.

Travel and accessibility

Proposers and decision-makers should satisfy themselves that accessibility planning has been properly taken into account and that the the proposal will not adversely impact on disadvantaged groups.

They should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement to the funding arrangements.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available.

Where a proposer is proposing a new voluntary aided school under section 11 and has applied for capital funding from the department, the decision-maker may, if satisfied that the department has given written 'in principle' agreement to provide capital funding, approve the proposals conditionally upon the proposer entering into an arrangement with the Department for Education for any necessary building work.

School premises and playing fields

Under the School Premises (England) Regulations 2012 all maintained schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, where proposals for a new VA school provide for the provision of playing fields, the duty to implement that part of the proposal (i.e. to provide the playing field) rests with the local authority.

For Foundation, Foundation Special, and Voluntary Controlled schools, the duty to implement any proposals falls to either the governing body, or local authority, as the proposal respectively provides for them to do so (i.e. the proposal for the new school will specify who will be providing the playing fields, which they then have a duty to actually provide).

[Non-statutory guidelines](#) setting out suggested areas for pitches and games courts are in place.

Suitability

When considering any proposal for a new maintained school, the decision-maker should consider the proposal on its merits and take into account all matters relevant to the proposal. Any proposal put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance on [Promoting fundamental British values through SMSC](#).

3: School closures (discontinuance)

Under Section 15 of the EIA 2006, a LA can propose the closure of ALL categories of maintained school. The statutory process is set out 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.

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 ⁸ | CofE Diocese RC Diocese |
| | Following a statutory process to close a foundation, foundation special or voluntary (VC or VA) school | LA ⁹ | CofE Diocese RC Diocese GB Trustees |
| Governing Body | Following a statutory process to close a voluntary (VC or VA), foundation or foundation special school | LA ¹⁰ | 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. If they fail to make a decision within that time then the proposal must be referred to the [Schools Adjudicator](#).

The decision-maker should be satisfied that there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term. The decision-maker should take into account the overall quality of alternative places in the local area and the popularity of other local schools.

⁸ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator .

⁹ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator .

¹⁰ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator .

Reasons for closing a maintained school include, but are not limited to, where:

- wider school reorganisation means that the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term);
- it is to be [‘amalgamated’ with another school](#);
- it has been judged inadequate by Ofsted and there is no sponsored academy solution;
- it is to [acquire, lose or change its religious character](#);
- it is no longer considered viable; or
- it is being replaced by a new school.

Schools causing concern

In determining proposals, decision-makers must ensure that the guidance on [schools causing concern](#) (intervening in failing or underperforming schools) has been considered where necessary.

Rural schools and the presumption against closure

Decision-makers should adopt 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 to close a rural primary school, the proposer must consider:

- the likely effect of the closure of the school on the local community;
- the proportion of pupils attending the school from within the local community i.e. is the school being used by 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;
- whether the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term);
- 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.

'Rural primary school', in this context, means any school referred to in the [Designation of Rural Primary Schools \(England\) Order](#). Proposers should also consider the above factors when proposing the closure of a rural secondary school. Rural secondary schools are identified on the Get Information about Schools database 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. Where a school is not recorded as rural on GIAS, the decision-maker can consider evidence provided by interested parties that a particular school should be regarded as rural.

The presumption against the closure of rural schools does 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;
- The size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;
- 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; and
- wider school organisation and capacity of good schools in the area to accommodate displaced pupils.

Nursery schools and the presumption against closure

Decision-makers should adopt a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal should demonstrate that:

- plans to develop alternative early years provision clearly demonstrate that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative early years provision will integrate preschool education with childcare services and/or with other services for young children and their families.

Balance of denominational provision

In deciding a proposal to close a school that has been designated with a religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area, as well as the number of pupils currently on roll, the medium and long term need for places in the area, and whether standards at the school have been persistently low. For example, if an infant and a junior school of a particular religious character in an area are to close and be replaced with a new all-through school, then there should normally be a preference for that new school to be of the same religious character as the predecessor schools.

Community services

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

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. Where this is a presumption school, this will be subject to publication of a section 6A notice (see [part 2](#)). This will result 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.

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

It is not possible for an existing maintained 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 proposer, normally a faith organisation, 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 proposal for the new school has been approved.

Schools designated with a religious character that close will automatically have the designation revoked.

Where two or more schools have amalgamated, the successor school may need to reapply for religious designation. Upon gaining a religious designation, a school cannot immediately change its admissions policy to include faith-based criteria. It will need to have consulted on, and determined, its admission arrangements in accordance with the [School Admissions Code](#).

Two years notice of closure – voluntary and foundation schools

In addition to the statutory process for closure in [part 4](#), the governing body of a voluntary or foundation school may, subject to specified provisions¹¹, 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 direct¹² a LA to close a community special or foundation special school if he 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

¹¹ As outlined in section 30 of the SSFA 1998, and including those in the DBE Measure 1991.

¹² Section.17 of EIA 2006

other LA who would be affected by the closure of the school; for a foundation special school with a foundation, the person(s) who appoints the foundation governors; and any other person(s) the Secretary of State considers appropriate.

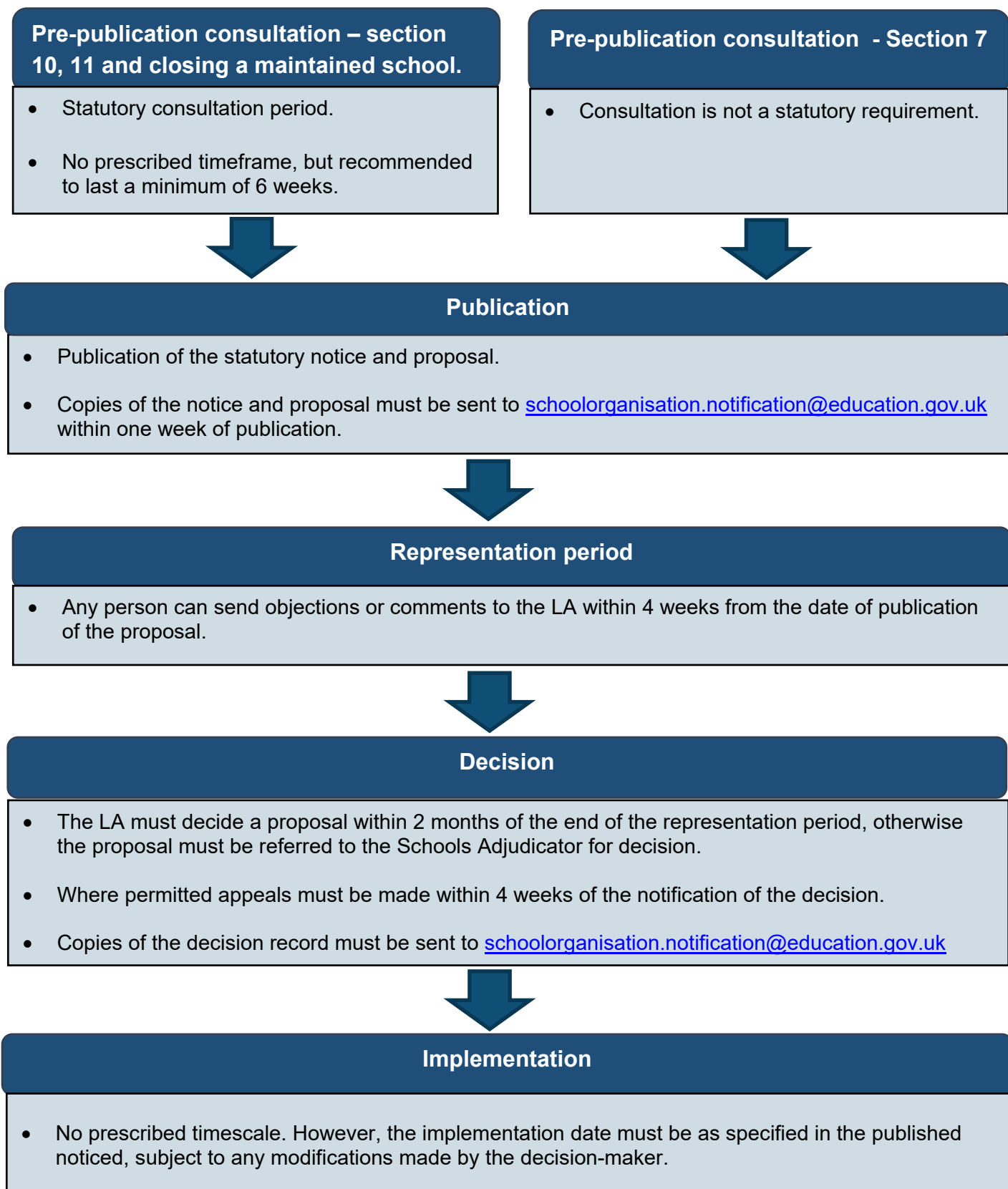
The Secretary of State must give notice of the direction in writing to both the governing body and the head teacher of the school. The school must be closed on the date specified by the Secretary of State.

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.

4: The statutory process

The statutory process below **must** be followed for opening¹³ and closing¹⁴ a maintained school.



¹³ Under sections 10 and 11 of EIA 2006

¹⁴ Under section 15 of EIA 2006

Pre-publication consultation

The proposer may use the pre-publication consultation to consider a range of options (e.g. for the possible wider reorganisation of provision), however this is not a substitute for the statutory representation period as set out in legislation. The statutory representation period must cover the specific opening or closure proposal of the school in question.

It is for the proposer to determine the nature and length of the pre-publication consultation. 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 initial 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 1¹⁵ 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 proposer must publish the full proposal on a website along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, 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 containing the website address of the full proposal must be published. This must be published in a local newspaper and may also be published in a conspicuous place on the school premises, such as 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.gov.uk);

¹⁵ Of the School Organisation (Establishment and Discontinuance) (England) Regulations 2013.

- the parents of every registered pupil at the school - where the proposal is to close a special school;
- the local Church of England diocese(s);
- the local Roman Catholic diocese(s); 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, an amalgamation where two schools are closing and are to be replaced by a completely new school, or if the need for the closure is the result of an area-wide reorganisation and long-term LA planning.

Where surplus capacity in the local area necessitates a proposal for closure and there are sufficient places in neighbouring schools to accommodate the displaced pupils, this should be evidenced in the proposal.

Where proposals are related, this should be made clear in any informal or formal representation periods, 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'.

Related proposals must also be considered together and, where possible, decisions should be made at the same time.

Representation

Except where the school is a rural primary school or a special school where there are prescribed consultees (see [Annex A](#)), proposers of a school closure should consult organisations, groups and individuals they feel to be appropriate during the representation period (the information in Annex A can be used for examples). The information that **MUST** be included in a closure proposal is summarised 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 summarised in [Annex C](#).

The representation period starts on the date of publication of the statutory proposal and must last for 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 LAs to forward representations to the proposer (subject to any issues of data protection or confidentiality) to ensure that they are aware of local opinion.

The decision-maker will need to be satisfied that the proposer has met the statutory requirements. The decision-maker must consider **ALL** the views submitted during the representation period, including all support for, objections to, and comments on the proposal.

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 is 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 that two month period, refer the case to the Schools Adjudicator.

The body or individual that takes the decision must have regard to the statutory decision-makers guidance contained in this document.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable, after consulting the LA and/or proposer (as appropriate); or
- approve the proposal – with or without modification – subject to certain conditions¹⁶ (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.

Where the LA is the decision-maker, within one week of making a determination they must publish their decision and the reasons for such a decision being made on their website. They must arrange for notification of the decision and reasons for it to be sent to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;

¹⁶ As specified in regulation 16 of the Establishment and Discontinuance Regulations

- the local Church of England diocese(s);
- the local Roman Catholic diocese(s);
- for a special school, the parents of every registered pupil at the school;
- any other body considered appropriate (e.g. other relevant religious authority); and
- The trustees of the school (where relevant e.g. site trustees).

Where the Schools Adjudicator is the decision-maker, where possible they should send notification of the decision and reasons for it, within one week of making a determination to the LA and the Secretary of State (via schoolorganisation.notifications@education.gov.uk) to ensure the appropriate records can be updated and to allow for any actions required as a consequence of the decision to be completed (e.g. an admissions preference exercise following approval to close a school).

Rights of appeal against a decision

For rights of appeal against decisions on establishment proposals, see table on page 6. For rights of appeal against decisions on closure proposals, see table on page 15.

Within one week of receipt of an appeal, a LA decision-maker must send the proposal, representations received and the the minutes and papers for the meeting at which it considered the proposals to the [Schools Adjudicator](#).

There is no right of appeal against determinations made by the Schools Adjudicator. Adjudicator decisions can be challenged only by Judicial Review in the Courts.

Implementation

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, decision makers should be confident the proposers have good justification (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, including any modifications made by the decision-maker.

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

For proposals to establish a new school, the proposer should contact the school organisation team (via schoolorganisation.notifications@education.gov.uk) one month before the proposed opening date to confirm that the new school will be opening on time. It is at this point that a GIAS record will be established and your school will be assigned a URN.

Modification post determination

If it proves necessary, due to a major change in circumstance, or it being unreasonably difficult to implement a proposal as approved, the proposer can propose modifications (e.g. 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 does not wish to implement an approved proposal because doing so would be unreasonably difficult or circumstances have changed (so that implementation would be inappropriate) 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 a 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](#).

Proposers 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 decision-maker must determine the revocation proposal within two months of the end of the representation period. The decision-maker should make such persons aware of the decision as they consider appropriate. This should include:

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

Annex A: School closure consultations

In the case of the closure of a rural primary school or a community or foundation special school, prior to publishing a statutory notice and proposal, 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 school¹⁷;
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group¹⁸;
- 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.

¹⁷ Under section 176 of the Education Act 2002.

¹⁸ 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 if necessary, 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—

- a) 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
- b) 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
- 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

Whether the school will be a foundation or foundation special schools (and, if so, whether it is to have a foundation), a voluntary schools (and whether it will be voluntary controlled or voluntary aided), 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.

Where the addition of sixth-form provision is being proposed, a change of age-range will be required and proposers should refer to the prescribed alterations guidance.

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

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.

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 \(May 2018\)](#)
- [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](#)
- [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 and Closure by Mutual Agreement \(2018\)](#);
- [Regional Schools Commissioner](#)
- [Consultation principles](#)



Department
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