

**NORTH YORKSHIRE COUNTY COUNCIL****THE EXECUTIVE****9 June 2020****PROPOSAL TO CEASE TO MAINTAIN CLAPHAM CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL****Report by the Corporate Director – Children and Young People’s Service****1.0 PURPOSE OF REPORT**

- 1.1 To provide the Executive with information upon which to make a decision on the proposal to cease to maintain Clapham Church of England Voluntary Controlled Primary School with effect from 31 August 2020 and future arrangements for the School’s current catchment area.

**2 EXECUTIVE SUMMARY**

- 2.1 On 31 March 2020 the County Council’s Chief Executive Officer, under his emergency delegated powers and in consultation with Executive Members, approved the publication of statutory proposals to close Clapham CE VC Primary School with effect from 31 August 2020.
- 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 23 April 2020, giving 4 weeks until 21 May 2020 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
- Appendix 3: Responses to the Statutory Notice
- Appendix 4: Catchment area map

Annex B: 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 guidance<sup>1</sup>. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the County Council’s Executive) acting as decision-makers.

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<sup>1</sup> School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education statutory guidance Opening and closing maintained schools and Guidance for decision makers November 2019.

## **4 PROPOSALS**

### **4.1 North Yorkshire County Council proposes:**

To cease to maintain Clapham CE VC Primary School with effect from 31 August 2020. It is proposed that the catchment area of Austwick CE VA Primary School and Bentham Community Primary School shall be expanded with effect from 1 September 2020 to jointly serve the area currently served by Clapham CE VC Primary School.

## **5 CONSULTATION UNDERTAKEN AND RESPONSES**

5.1 The consultation period ran from 10 January 2020 to 28 February 2020. 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 On 31 March 2020, the County Council's Chief Executive Officer, under his emergency delegated powers and in consultation with Executive Members, considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

## **6 STATUTORY PROPOSALS AND NOTICES**

6.1 The statutory proposals and public notices were published on 23 April 2020. The public notice, placed on the school gate and in the Craven Herald newspaper, invited written objections or comments to be submitted by 21 May 2020. A copy of the notice is attached as Annex A, Appendix 1. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's website. A copy of the proposal is attached as Annex A, Appendix 2.

6.2 Following the publication of the Statutory Notices, six responses were received by the end of the notice period of 21 May 2020. A copy of these responses can be found at Annex A, Appendix 3. None of the responses objected to the closure of Clapham CE VC Primary School.

## **7 ISSUES RAISED IN RESPONSE TO STATUTORY NOTICES**

7.1 Four of the responses raised concerns around the proposed arrangement of the catchment area. These submissions were made by Ingleton Primary School, Ingleton Parish Council and two local residents. The proposal is that the catchment areas of both Austwick CE VA Primary School and Bentham CP School are extended to include the current catchment area served by Clapham CE Primary School. Responses received from an Ingleton perspective object to Ingleton Primary School being omitted from future arrangements for the current Clapham catchment area. We received one further response relating to the catchment issue. This was from Bentham Community Primary School and was supportive of the proposal.

7.2 In determining the catchment proposal Officers have taken account of school place sufficiency, proximity of other schools and their Religious character. Austwick is the obvious choice of school to extend its catchment area as it is the closest school to Clapham and is also a Church of England school. However, it doesn't currently have sufficient spare capacity and so, from a school place sufficiency perspective, a joint arrangement had to be considered. This position was accepted by both Austwick School and the Diocese of Leeds.

|                              | <b>Austwick CE VA Primary School</b> | <b>Bentham CP School</b> | <b>Ingleton CP School</b> |
|------------------------------|--------------------------------------|--------------------------|---------------------------|
| <b>Distance from Clapham</b> | 2.0 miles                            | 5.5 miles                | 4.7 miles                 |
| <b>Capacity</b>              | 70                                   | 210                      | 180                       |
| <b>No. on roll</b>           | 57                                   | 113                      | 156                       |

- 7.3 The issues raised around the treatment of the catchment area appear, in part, to stem from a concern for the future of Ingleton Primary School. Ingleton Primary School currently has 156 pupils on roll with a capacity of 180. Forecasts indicate that pupil numbers at this school are set to remain steady with a potential further 14 pupils from housing that has been granted planning permission. There are also a number of proposed housing developments in Ingleton listed in the recently adopted Local Plan. When these developments are built they could potentially yield a further 30 pupils for the school.
- 7.4 Bentham CP School can more readily provide sufficient places now and in the longer term and therefore ensure that the County Council continues to meet its statutory duty for school place sufficiency. It was therefore felt appropriate to include Bentham in future arrangements.
- 7.5 The existing North Yorkshire Home to School Transport policy provides for transport to either the catchment school(s) or, importantly in many cases, to the nearest school to the home address providing that the journey is above the 2 or 3 miles qualifying distance dependent on age. This is relevant, in this context, for pupils who live closer to Ingleton than either Austwick or Bentham
- 7.6 Newby has been raised as a particular area of concern by Ingleton Primary School. It is important to note that should Clapham CE Primary School close then Ingleton Primary School will become the nearest School for most addresses in Newby Parish. The Home to School Transport policy therefore makes provision, subject to individual travel distances, for entitlement to transport between Newby and Ingleton Primary School irrespective of the catchment decision. For example, assessment of a sample address located at the Village Green in Newby showed it to be just over 3 miles from Ingleton School but 3.6 miles from Austwick School and 4.6 miles from Bentham School. In that case, under the proposal, a child resident at that sample address would have transport entitlement to Ingleton School because it is the nearest school, and both Austwick and Bentham schools as they would become the catchment schools. Catchment areas also have significance for determining priority for admissions. However, like all admissions criteria, they only apply when a school is oversubscribed. None of the 3 local schools (Austwick, Bentham, Ingleton) were oversubscribed for Reception entry in 2018 or 2019 and this currently remains the case for September 2020. However, pupil numbers can change over time and their review will need to be central to continuing assessment of the suitability of local catchment areas going forward.
- 7.7 One of the responses made reference to reducing the catchment area of Ingleton Primary School. It also commented on Westhouse, Thornton in Lonsdale and Burton in Lonsdale which are all in the catchment area of Bentham CP School. The response from Ingleton Primary School also questioned the suitability of their current catchment area. We can confirm that existing areas covered by the catchment areas for both Bentham CP School and Ingleton Primary School are outside of the scope of this proposal and therefore will be unaffected. A separate consultation specific to those catchment areas would be required, under the requirements of the School Admissions Code, should it be felt necessary to make future changes.

- 7.8 It would be very unusual in North Yorkshire for a catchment area to be shared between three primary schools. Having such an arrangement in a large rural area is likely to increase the number of home to school transport services required and also therefore the overall cost of provision.
- 7.9 Discussions prior to the start of the closure process together with responses received during it do not demonstrate a clear consensus of opinion, as stated in the Executive report dated 24 March. It is proposed, for the combined reasons stated, that the joint catchment arrangement as consulted upon should be adopted from 1 September 2020. However, there would be merit in committing to keep the catchment arrangements under regular discussion in future to review any demographic change, housing development or general change in pupil numbers which may necessitate alternative catchment area arrangements to be proposed.
- 7.10 A response from Settle CE Primary School queried the financial arrangements for Clapham pupils transferring to other schools, and how remaining Clapham resources would be distributed. The paragraphs below set out the usual procedures that apply in line with the Closing Schools Accounting Policy;

#### Revenue

Any net surplus revenue balance held by the school upon closure after taking account of pay protection will be allocated to the designated successor schools. The allocation will be based upon the number of pupils transferring to each from the closing school. Any net deficit revenue balance from the closing school will be written off as it is not appropriate for the designated successor schools to be expected to pick up any deficit responsibility over which they have had no control. Where a pupil transfers from the closing school to another school that is not a designated successor school, that school will not be entitled to receive any of the surplus revenue balance for that pupil.

#### Pupil Premium

Schools receive the Pupil Premium in a single annual payment at the start of the financial year. Payments of the Premium for looked after children are made in termly instalments to the school where the pupil is on roll at the start of that term. Pupil Premium is paid on a financial year basis. When a school closes at the end of the academic year and they have received the full year Premium, the remainder of that funding will be recovered to be transferred to the successor schools.

#### Transitional Arrangements for Designated Schools

In consideration of the additional costs that a designated school could incur as a result of enrolling transferring pupils from a closing school, transitional funding arrangements can be made available. The purpose of the funding is to ensure that additional staffing resources are available to support pupils with additional educational needs or SEN from the date they start in school.

#### Capital

When notice is given that a school is to close, the Local Authority will automatically assume joint responsibility with the school for the deployment of any remaining capital funding. Should there be sufficient unspent capital funding, the Local Authority will allocate the balance to the designated successor schools that enrol the closing school's pupils. The allocation will be based on the number of pupils transferring from the closing school. The

expectation is that the schools receiving the additional capital allocation will prioritise its use for urgent or outstanding condition works.

- 7.11 The response from Settle CE Primary School asks about a financial strategy to assist small schools. The LA continues to provide practical support, information and guidance to our many small schools to assist with the challenges they face. However, this cannot extend to additional financial support that would increase a school's income. School funding has to be derived from the established formula that is largely dependent on pupil numbers. The local authority continues to lobby on the issue of the overall quantum of funding and sparsity and we will continue to advocate for a better funding deal for children and young people in all North Yorkshire education settings.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 As set out in the report to Executive dated 24 March, 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.
- 8.2 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. Depending on the individual choices of schools by parents, potentially up to nine children attending Clapham at the start of the consultation period could be eligible for home to school transport to either Austwick or Bentham schools. This may require a mini bus at a cost of between £75 to £120 per day (£14k - £22k per annum) or, if there are less than 5 pupils, 1 taxi at a cost of £55 per day (£10k per annum). Other transport costs may arise dependent on individual circumstances of individual pupils.

## **9 LEGAL IMPLICATIONS**

### REGULATIONS AND GUIDANCE

- 9.1 The consideration and determination of school organisation proposals by the Local Authority is set out in regulations and in guidance produced by the Department for Education.<sup>2</sup> Careful regard has been had to these provisions.

### PRELIMINARY CHECKS

- 9.2 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;

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<sup>2</sup> See footnote 1.

- 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

- 9.3 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.

### 10 PROCEDURE FOR THE MEETING

- 10.1 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.

### 11 REASONS FOR THE RECOMMENDATION.

- 11.1 The report to the Executive dated 24 March 2020 set out the key concerns. The latest position on these issues is summarised below.

#### 11.2 STANDARDS OF TEACHING AND LEARNING

In June 2019 the school was judged by Ofsted as Inadequate in all areas and became subject to Special Measures. The report found that over time, there has been a significant decline in the standard of education provided for pupils and that leaders have not been effective in reversing or halting this decline. Leadership is also temporary and the uncertain position of the school means that partnerships which are needed for sustained improvement are difficult to establish and maintain.

#### 11.3 PUPIL NUMBERS

The number of children at Clapham CE VC Primary School has been falling over the past few years. At the beginning of September 2019, there were 25 pupils on roll in the school. This is well below the capacity of the school – which is designed to accommodate up to 59 pupils if all spaces are in use. Since the start of this academic year there has been a further fall in numbers with 9 on roll in January, and as of February the school has 7 pupils remaining on roll.

#### 11.4 FINANCIAL POSITION

Pupil numbers determine the school budget. The school is projecting deficits in year of £46k in 2020/21 and £77.9k in 2021/22, and a cumulative deficit of £202.6k by the end of that year. These are based on pupil number assumptions of 27 in 2019/20 and 22 in

2020/21. As pupil numbers have reduced further there appears to be no reasonable prospect of recovery.

## 11.5 LEADERSHIP

With effect from September 2019 Executive Headteacher from the Priestley Multi Academy Trust has been appointed to oversee school leadership and is using the skills and experience of colleagues in the Priestley MAT to provide additional support. A full time Head of School from the MAT has also been appointed for this school year. The LA is currently providing temporary financial support to meet the cost of the Executive Headteacher but this is not sustainable.

## 12 HUMAN RIGHTS IMPLICATIONS

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

## 13 RECOMMENDATIONS

13.1 (a) That having undertaken the required preliminary checks, the Executive resolves that the issues listed above in paragraph 9.2 have been satisfied and there can be a determination of the proposals.

(b) That the following proposal be determined:

i) To cease to maintain Clapham CE VC Primary School with effect from 31 August 2020.

ii) To extend the catchment area of Austwick CE VA Primary School and Bentham Community Primary School with effect from 1 September 2020 to jointly serve the area currently served by Clapham CE VC Primary School.

iii) To commit that NYCC Officers will in future engage in annual discussion on local catchment areas with Austwick School, Bentham School and Ingleton School. The first discussion to be held in the summer term 2021.

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

Report prepared by Julia Temple, 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 & Inspections Act 2006

Appendix 2: Statutory Proposal for school closure

Appendix 3: Responses to Statutory Notice

Appendix 4: Catchment map

#### Annex B: School Organisation Guidance for Decision-makers

### Background documents

Report, Executive consultation with Chief Executive, 31 March 2020 (report dated 24 March)

Report, Corporate Directors meeting with Executive Members, 17 December 2019

**NORTH YORKSHIRE COUNTY COUNCIL**  
**Proposal to Cease to Maintain a School**  
**Clapham 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 Clapham Church of England (Voluntary Controlled) Primary School, The Green, Clapham, Lancaster, LA2 8EJ on 31 August 2020.

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](http://www.northyorks.gov.uk).

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm on 21 May 2020.

Signed: B. Khan  
Assistant Chief Executive  
(Legal and Democratic  
Services)  
Publication Date: 23 April 2020



## **Statutory Proposals for closure of Clapham CE VC Primary School**

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:

Clapham Church of England Voluntary Controlled Primary School, The Green, Lancaster, LA2 8EJ, from 31 August 2020.

Clapham Church of England Voluntary Controlled Primary School is a 3-11 Church of England Voluntary Controlled primary school in North Yorkshire.

### **Implementation**

It is proposed to close the school from 31 August 2020.

### **Reason for closure**

There are four key concerns: 1) Low pupil numbers; 2) Breadth of curriculum, 3) The schools financial position, and 4) Leadership

#### Low pupil numbers

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.

The number of children at Clapham CE VC Primary School has been falling over the past few years. At the start of the 2019/20 academic year, there were 25 pupils on roll in the school and these fell to 9 pupils by January 2020. Since January a further 2 pupils have now left the school. This is well below the capacity of the school – which is designed to accommodate up to 59 pupils if all spaces are in use. Local Authority forecasts indicate that these numbers will not recover significantly in the longer term and may reduce further still in the following years as the larger year groups move into secondary education.

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

#### Breadth of Curriculum

The LA has already identified concerns around the school's ability to meet the educational need of children with such small numbers alongside existing financial issues. As numbers continue to fall it will be increasingly difficult to provide the remaining pupils with 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. With these low numbers, and a reduced budget, the school may have to further reduce staff.

Examination of the predicted financial position has led to concerns about the schools ability to preserve the quality of education. The school is projecting in year deficits of £46k in 2020/21 and £77.9k in 2021/22, and cumulative deficit of £202.6k by the end of that year. These were based on pupil assumptions at the time of 27 in 2019/20 and 22 in 2020/21, and have assumed pupil numbers

of 7 in 2021/22. The position will deteriorate further as pupil numbers fall with no reasonable prospect of recovery.

### Leadership

Despite a number of attempts to recruit a substantive Executive Headteacher this has not proved possible. With effect from September 2019, the Executive Headteacher from The Priestley Multi Academy Trust has been appointed to oversee school leadership and is using the skills and experience of colleagues in the Priestley MAT to provide additional support. A full time Head of School from the MAT has also been appointed for this school year. The LA is currently providing temporary financial support to meet the cost of the Executive Headteacher but this is not sustainable. The current interim arrangements cannot continue into the future. It has not been possible to identify another school locally that would be prepared to share a Headteacher.

### **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 7 pupils on roll at the school as of February 2020, all of which are pupils of mainstream school age with 0 nursery-aged pupils. 4 out of these 7 pupils are female and 3 of the pupils are male.

|           | Pupil numbers | PAN |
|-----------|---------------|-----|
| Reception | 0             | 8   |
| Year 1    | 0             | 8   |
| Year 2    | 0             | 8   |
| Year 3    | 1             | 8   |
| Year 4    | 0             | 10  |
| Year 5    | 2             | 10  |
| Year 6    | 4             | 10  |
| Totals    | 7             |     |

The school's age range is 3-11 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 59 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.

There are four other North Yorkshire primary schools within reasonable travelling distance with

places available currently. Across the area there are places available for all the pupils currently at Clapham CE VC Primary School. The nearest Church of England school is Austwick CE VA Primary School which is 2 miles from Clapham by road. There is also Ingleton Primary School which is 4.7 miles from Clapham, Bentham CP School at 5.5 miles and Giggleswick Primary School at 5.8 miles away, all of which were rated Good in their last Ofsted inspections.

It is proposed that the catchment areas of Austwick CE VA Primary School and Bentham CP School are expanded to include the current catchment area of Clapham CE Primary School. These schools both have capacity to take additional pupils and have indicated a willingness to do so.

For any children currently at Clapham 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.

- a) No interim arrangements have been necessary.
- 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.

The school has an early years unit but currently doesn't have any children registered in the nursery.

The community shop has strong links with the school and has undertaken specific projects including a joint gardening project. They see much of their trade coming from parents, carers and children coming to the store before and after the school day, and also benefit from an account with the school. In a previous consultation, the community shop suggested that closure of the school would potentially reduce their contact with families and potentially put the future of the shop at risk.

Elderly residents in the parish currently visit the school each month for lunch, organised by Age UK. Members of the community have also delivered a series of 'lectures' at the school.

In a previous consultation, the Clapham School Action Group stated that the school ICT suite was opened with the benefit of reducing the number of people in the community who suffer from digital exclusion.

In some communities the school is the only meeting space. However, at Clapham, there is a Village Hall at Cross Haw Lane, which has capacity for 150. It was recently refurbished and has central heating and a fully equipped kitchen. There is also a Reading Room on Church Avenue which hosts afternoon games clubs, the Bethel Chapel at Cross Haw Lane, which currently hosts a weekly village playgroup, and St James' Church on Church Avenue. These could provide venues for the community activities that are currently taking place in the school building. It is not clear how extensively the school ICT facility is currently being used by the public. Public internet and computer access and help and support using IT is available at Ingleton and Bentham libraries (both 5 miles from Clapham).

The school building is not owned by the County Council, it is held on an implied Trust for the purposes of a school. The playing field is leased in by the County Council from a private landowner. Decisions about the future use of the school buildings and playing field will be taken by the owners after the closure proposal has been determined.

In a previous consultation, the Ingleborough Estate stated that they have a policy of letting cottages at below-market rents on the basis of full-time occupation, and for all appropriate properties, priority

is given to families with young children. The estate saw the school as important for encouraging young families into the area. They have not made a formal response to the current consultation. Both Craven District Council and Yorkshire Dales National Park Authority have previously stated that the proposal to close Clapham Primary School runs counter to their aims. Their proposals focus on building more affordable housing, creating jobs, and improving access to key services to promote the area as a place for young people to live. They have not made formal responses to the current consultation.

Whilst it is to be welcomed that the community and planning authorities in this area wish to encourage economic development including further housing there is no evidence that in the foreseeable future that the scale of this housing will lead to significant numbers of additional children on roll at the school to ensure its sustainability.

Whilst the impact on the wider economic and social sustainability of the community is an important consideration, the key consideration is to determine whether the proposal is in the best interests of children's education.

### **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.

Clapham CE VC Primary School is designated as a rural school under the Designation of Rural Primary Schools (England) Order. The School Organisation regulations and guidance contain a presumption against closure of rural schools, and it is a requirement that proposers must consider the effect of the discontinuance of any rural primary school on the local community. The statutory guidance specifically states that 'This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.' The guidance states that when producing a proposal, the proposer must carefully consider:

- the likely effect of the 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.

These are examined in turn below.

#### **The likely effect of closure of the school on the local community**

Please see the section above 'Impact on the Community'

#### **The proportion of pupils attending the school from within the local community i.e. is the school being used by the local community**

There are currently 7 pupils on roll at the school 5 of which reside within the Clapham School catchment area.

There are 32 primary aged children who reside in the Clapham CE catchment and attend a North Yorkshire maintained school.

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

The Ofsted inspection in June 2019 judged the school to be inadequate in all areas. The school was judged to require Special Measures.

The report found that

- Over time, there has been a significant decline in the standard of education provided for pupils. Leaders have not been effective in reversing or halting this decline
- The arrangements for safeguarding pupils are ineffective. Leaders have not acted to ensure that pupils are safe
- Governors have not held leaders to account effectively for safeguarding, the quality of teaching and pupils' outcomes.

Since the start of the 2019/20 academic year, the new leadership of the school is working hard to address the many weaknesses identified in the inspection report. It is the view of the Local Authority's advisers that significant improvements have been made to safeguarding and improvements are also evident in the quality of teaching.

It is not expected that the closure of Clapham CE Primary School would have a negative impact on neighbouring schools.

### **The availability, and likely cost to the LA, of transport to other schools**

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. In this case, it is estimated that there would be additional home to school transport costs in the range of £14,000 to £22,000 each year, dependant on the pattern of parental preference to alternative schools, and the mix of transport provision that would be required.

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>

### **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)**

The latest forecasts are included in Appendix 4 of the report to the Executive 24 March 2020.

It is proposed that the catchment areas of Austwick CE VA Primary School and Bentham CP School are expanded to include the current catchment area of Clapham CE Primary School. The current pupil numbers and class structures of these schools are shown below.

| Austwick  | Pupil numbers | PAN |
|-----------|---------------|-----|
| Reception | 7             | 10  |
| Year 1    | 9             | 10  |
| Year 2    | 7             | 10  |
| Year 3    | 7             | 10  |
| Year 4    | 7             | 10  |
| Year 5    | 10            | 10  |
| Year 6    | 9             | 10  |
| Totals    | 56            | 60  |

| Bentham   | Pupil numbers | PAN |
|-----------|---------------|-----|
| Reception | 18            | 25  |
| Year 1    | 13            | 25  |
| Year 2    | 17            | 25  |
| Year 3    | 11            | 25  |
| Year 4    | 15            | 25  |
| Year 5    | 15            | 25  |
| Year 6    | 15            | 25  |
| Totals    | 104           | 180 |

There are 4 schools within 6 miles of Clapham School by road:

- Austwick CE VA Primary School
- Ingleton Community Primary School
- Bentham Community Primary School
- Giggleswick Community Primary School

#### Austwick CE VA Primary School

- 2.0 miles by road from Clapham
- Rated Good by Ofsted in May 2019
- Net Capacity 70
- 56 pupils on roll
- Forecast 63 pupils + 1 from housing by 2023/4
- Published Admission Number of 10

#### Ingleton Community Primary School

- 4.7 miles from Clapham by road
- Rated Good by Ofsted in June 2016
- Net capacity 180
- 166 pupils currently on roll
- Forecast 162 pupils + 17 from housing by 2023/4
- Published Admission Number of 26

#### Bentham Community Primary School

- 5.5 miles from Clapham by road
- Rated Good by Ofsted in March 2016
- Net capacity 210
- 104 pupils currently on roll
- Forecast 114 pupils + 36 from housing by 2023/4
- Published Admission Number of 25

#### Giggleswick Community Primary School

- 5.8 miles from Clapham by road
- Rated Good by Ofsted in January 2017
- Net capacity 90
- 65 pupils currently on roll
- Forecast 74 pupils + 4 from housing by 2023/4
- Published Admission Number of 13

It remains the view of the Local Authority that there are surplus places in the local area which can accommodate displaced pupils.

### **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**

It is not considered that there would be significant additional car use if the school were closed given the relatively small number of pupils. Some parents may choose to use their own transport but children in the catchment area are already travelling privately to alternative schools. 17 primary-aged children in the Clapham CE catchment area already travel to other primary schools, and 2 children attend Clapham CE who live outside the catchment area.

### **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. There have not been any offers from multi academy trusts willing to take on the school, and 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 low numbers and insecure leadership remain.

Attempts have been made during autumn 2018 to broker a federation between Clapham School and other primary schools in neighbouring counties. Discussions progressed with several schools but were unsuccessful. To date, no other school has come forward that would be prepared to share a Headteacher or to federate with Clapham CE. Federation is a decision for individual school governing bodies and cannot be imposed by the County Council. 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 and associated budget deficits, without other forms of support or intervention.

### **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.

Clapham 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, 2 miles from Clapham, is Austwick CE VA Primary School. There is also a Church of England school at Settle CE VC Primary School, 7 miles away.

The Diocese is supporting the LA with the consultation and given the availability of places at other local Church of England schools has expressed no specific concerns about the impact on proportionality of places in this area.

### **Maintained nursery schools**

Not applicable

### **Sixth form provision**

Not applicable

### **Special educational needs provision**

The existing provision at Clapham 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 a nearer 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 Clapham CE VC Primary School catchment area would depend on which other school they attended and their home address. The nearest schools are Austwick CE VA Primary School (2 miles from Clapham CE School, approx. travel time 6 minutes), Ingleton Primary School (4.7 miles from Clapham School, approx. travel time 12 minutes), Bentham CP School (5.5 miles, approx. travel time 14 minutes), and Giggleswick Primary School (5.8 miles away, approx. travel time 10 minutes). The travel times to all these schools from homes in the Clapham CE School catchment area are well below the maximum travel time of 45 minutes for primary-aged pupils. Pupils would be eligible for travel arrangements from NYCC in line with the transport policy.

## **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 21 May 2020.

## **Consultation**

The decision to consult on closure was taken by the Executive Member for Schools on 17 December 2019 following a request from governors. 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 and a list of the consultees is included in Appendix 1. The consultation period ran from 10 January to 28 February 2020. A public meeting was held at the village hall on 4 February 2020, a note of that meeting is attached as Appendix 2. There have been 27 consultation responses received (Appendix 3).

## **Appendices**

Appendix 1 - Consultation Paper and list of consultees

Appendix 2 - Notes of the Public Meeting

Appendix 3 - Consultation Responses





# ***Consultation Document***

**Proposal to close Clapham Church of England**

**Voluntary Controlled Primary School**

**from 31 August 2020**

# Clapham Church of England Voluntary Controlled Primary School

10 January 2020

This paper sets out details of a proposal to close Clapham CE VC Primary School with effect from 31 August 2020. It gives the background to the proposal. There will be a public meeting on:

**Tuesday 4 February at 6.30pm**

**at Clapham CE VC Primary School, Lancaster, LA2 8EJ**

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## The Current Position

At a meeting on 4 November 2019 the Governing Body of Clapham CE VC Primary School voted to request that the County Council begin consulting on a proposal to close the school at the end of the current academic year. Officers from the Local Authority and the Diocese agree that this is in the best interests of current and future pupils from Clapham because 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 County Council is therefore now consulting on the proposal to close the school with effect from 31 August 2020.

## Background

Pupil numbers at the school have been falling, reducing from 42 on roll in 2014/15 to 28 at the start of the 2018/19 academic year. The drop in numbers increased concern around the financial sustainability of the school and its ability to providing good quality education.

On 5 February 2019 Executive Members gave approval to progress a consultation on a proposed closure of Clapham CE VC Primary School with effect from 31 August 2019. During the consultation period a number of responses were received including a detailed response from the Governing

Body showing a recovery plan, which they felt, along with ongoing community support, could see the school recover to a position that would enable the school to stay open. At a meeting on 30 April 2019 the Executive agreed that the proposal to cease to maintain Clapham CE VC Primary School should be stopped to allow the Governing Body to implement their recovery plan, with a formal review of the position scheduled for the end of the spring term 2020.

Since the April Executive meeting the school has been inspected by Ofsted and placed in special measures. The publication of the recent inspection result in September has led to a further decline in pupil numbers making the Governing Body's recovery plan no longer viable. This led to the Governing Body requesting a consultation on a proposed closure.

This is a wholly new consultation and focusses on four key areas of concern: 1) Low pupil numbers; 2) Breadth of curriculum, 3) The schools financial position, and 4) Leadership

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 school's future financial position.

## Pupil Numbers

At the start of the 2019/20 academic year there were 25 pupils on roll. This is well below the capacity of the school – which is designed to accommodate up to 59 pupils if all spaces are in use. Since September there has been a further fall in numbers and in November 2019 the school had 10 pupils on roll. Forecasts indicate that these numbers will not recover significantly in the longer term.

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

Total roll numbers:

2014/15 – 42

2015/16 – 39

2016/17 – 34

2017/18 – 27

2018/19 – 28

2019/20 – 25 (at the start of the year, dropping to 10 in November)

Pupil numbers as at 7 January 2020:

|       |   |
|-------|---|
| REC   | 0 |
| Y1    | 0 |
| Y2    | 0 |
| Y3    | 3 |
| Y4    | 0 |
| Y5    | 2 |
| Y6    | 4 |
| Total | 9 |

Latest forecast information predicts only one new Reception aged starter in 2020/21. This combined with the progressive reduction in existing year groups results in a forecast total roll of 6 in 2020/21.

## Breadth of Curriculum

The LA has already identified concerns around the school's ability to meet the educational need of children with such small numbers. As numbers on roll continue to fall it will be increasingly difficult to provide the remaining pupils with access to the full range of experiences they need, particularly opportunities for working and playing with children their own age. The Ofsted inspection in June judged the school to be inadequate in all areas.

## The Financial Position

Pupil numbers determine the school budget. Examination of the predicted financial position has led to concerns about the school's ability to provide a good quality of education. The school is projecting in year deficits of £46k in 2020/21 and £77.9k in 2021/22, and cumulative deficit of £202.6k by the end of that year. These were based on pupil assumptions at the time of 27 in 2019/20 and 22 in 2020/21, so the position will deteriorate further as pupil numbers fall with no reasonable prospect of financial recovery.

## Leadership

Previous attempts to recruit a substantive headteacher or identify another school prepared to share a headteacher has not proved possible. With effect from September 2019 an Executive Headteacher from The Priestley Multi Academy Trust has been appointed to oversee school leadership. A full time Head of School from the MAT has also been appointed for this school year. The LA is currently providing temporary financial support to meet the cost of the Executive Headteacher but this is not sustainable.

## **The Proposal**

For the reasons outlined above it is proposed that Clapham CE VC Primary School should close with effect from 31 August 2020.

The nearest Church of England school, 2 miles from Clapham, is Austwick CE VA Primary School. There is also, Ingleton Primary School which is 4.7 miles from Clapham, Bentham CP School at 5.5 miles, Giggleswick Primary School at 5.8 miles, Settle CE Primary at 6.9 miles and Long Preston VA School at 9.7 miles away.

It is proposed that the catchment areas of both Austwick CE VA Primary School and Bentham CP School are expanded to include the current Clapham catchment area.

The County Council would welcome consultees' views on the proposed catchment area extension.

For children currently at Clapham 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 Clapham CE VC Primary School are also committed to supporting families in their choice of school and in making a smooth transition.

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. In the case of Voluntary Aided schools, the Governing Body is the Admissions Authority.

All of the local schools have indicated a willingness to admit pupils potentially displaced from Clapham School, subject to available capacity and resources being available for the specific year groups concerned. 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 Vickie Hemming-Allen on 01609 535481 or Lisa Herdman on 01609 534953.

## **The School Site**

The school building is not owned by the County Council, it is held on an implied Trust for the purposes of a school. The playing field is leased in by the County Council from a private landowner. Decisions about the future use of the school buildings and 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  
Clapham  
Strategic Planning  
North Yorkshire County Council  
County Hall  
NORTHALLERTON  
DL7 8AE

Additional background information is available on the NYCC website. Online responses may be submitted by following this link:

<https://consult.northyorks.gov.uk/sn/apwebhost/s.asp?k=154755992143>

**The closing date for responses is  
Friday 28 February 2020**

All responses to the consultation received by this date will be considered by the County Council's Executive on 24 March 2020.

If the County Council's Executive decides to proceed with the closure proposal, then statutory notices would be published in the local press on 20 April 2020. 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 on 9 June 2020. If agreed the school would close on 31 August 2020.

### **Anticipated Key Dates**

All dates are subject to approvals at each stage.

|  |                  |
|--|------------------|
| Consultation opens   | 10 January 2020  |
| Public meeting at the school   | 4 February 2020  |
| Consultation closes  | 28 February 2020 |
| County Council's Executive considers consultation response           | 24 March 2020    |
| Statutory Notices published (4 weeks for representations to be made) | 20 April 2020    |
| Final decision by County Council's Executive                         | 9 June 2020      |
| Proposed school closure date   | 31 August 2020   |

**Clapham 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 will 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

Clapham

Strategic Planning

North Yorkshire County Council

County Hall

NORTHALLERTON

DL7 8AE

Or go to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=154755992143>

and submit your response there

**To be received by no later than 28 February 2020**

*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](http://www.northyorks.gov.uk/privacy)*

Clapham C of E Primary and Nursery School – List of Consultees

Parents of pupils of Clapham  
Staff and governors of Clapham  
Chair of Governors  
Local Authority – North Yorkshire County Council  
Local Primary Schools – within 10 miles  
Unions and Professional Associations  
Diocese  
**Any Interest/ user groups nominated by the school**

Neighbouring Local Authority  
Yorkshire Dales National Park  
Lancashire County Council  
Local County Councillor  
District Councillor  
Craven District Council  
Local Parish Council  
Local MP  
Local Early Years Providers within 10 miles

RSC  
Secretary of State

Internal distribution:  
Advisor  
Governor Support  
HR Advisers  
School Admissions  
Passenger Transport  
Catering  
Building Cleaning  
Press Office



## Record of Public Meeting concerning Clapham CE VC Primary School

Meeting held on 4 February 2020 at Clapham Village Hall

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**Present:** Rob Atkins (Co-chair of Interim Executive Board), Janet Booth (Co-chair of Interim Executive Board), Matthew Atkinson (Executive Headteacher), Adam Kay (Head of Clapham Primary School), County Cllr Patrick Mulligan ( Executive Member for Education and Skills, NYCC), Judith Kirk (Assistant Director, Education and Skills, NYCC), Andrew Dixon (Strategic Planning Manager, NYCC), Julia Temple (Strategic Planning Officer, NYCC), Kate Lounds (Lead Advisor, NYCC), Richard Noake (Director of Education, Anglican Diocese of Leeds), Simone Bennett (Anglican Diocese of Leeds), Maria Farrer (Governor), Claire Pearson (Headteacher, Bentham Primary School), Rev Anne Russel (Vice-chair of Govs, Bentham Primary and C of E Area Dean), Jenny Thistlethwaite (Governor, Ingleton Primary)

Additionally, there were 7 parents, 9 residents and 1 member of staff.

**Apologies:** Councillor David Ireton sent his apologies prior to the meeting.

32 people were present

### AGENDA

|      |   |  |
|------|---|--|
| 6.30 | Meeting opens – brief welcome   | Rob Atkins – Co-chair of Interim Executive Board |
| 6.40 | Executive Members Opening Remarks <ul style="list-style-type: none"> <li>• Introduction to the Panel</li> <li>• Short statement about background</li> <li>• Handover to LA Officer for presentation</li> </ul>  | County Cllr Patrick Mulligan                     |
| 7.00 | Presentation <ul style="list-style-type: none"> <li>• The proposal</li> <li>• Background to the proposal</li> <li>• Pupil numbers and housing</li> <li>• Finances</li> <li>• Local Schools</li> <li>• Catchment area</li> <li>• How can people comment</li> </ul> | Andrew Dixon                                     |
| 7.30 | Question and Answer Session   | County Cllr Patrick Mulligan and panel           |
| 8.00 | Meeting Close   | County Cllr Patrick Mulligan                     |

## **1. Welcome**

Rob Atkins, Co-chair of the Interim Executive Board, opened the meeting a little after 6.30pm and welcomed those present.

## **2. Executive Member opening remarks**

County Councillor Patrick Mulligan introduced himself and the rest of the panel.

## **3. Presentation by Andrew Dixon**

Andrew Dixon introduced himself as the Strategic Planning Manager at NYCC and explained that the purpose of the meeting was to consult on a proposal to close Clapham CE Primary School, and to seek observations and comments around the future treatment of the catchment area if the school was to close.

AD explained the process and followed with a presentation which gave information on the background, the current position and what happens next.

## **4. Questions and Answers**

A local resident began by enquiring as to whether the available spaces at other local schools takes into account pupils that have already moved from Clapham. Andrew Dixon confirmed that was the case.

Another resident questioned how much the County Council is committed to its policy of maintaining rural schools. Andrew Dixon responded that NYCC supports rural schools as far as they are able to do so. This has been evidenced by the County Council's response to the school last time when the closure proposal was halted. Cllr Mulligan added that it is ultimately about the social, personal, and emotional wellbeing of the children, and that when a school gets into a situation of such low numbers the impact upon those children has to be paramount.

A resident asked if the proposal is to create a shared catchment area, would there be transport to Bentham and Austwick. Andrew Dixon said yes, if the journey was over the relevant qualifying distance of 2 or 3 miles dependent on age, or the route was deemed not be safe.

The Chair of Governors at Ingleton expressed her sadness at the school being in this position again. She wanted to make the point that if the school was to close, there was no reason the catchment area couldn't be shared between three schools to include Ingleton Primary. She felt that this would give parents choice. Andrew Dixon welcomed any comments on the treatment of catchment areas and would be interested to hear people's views. He explained the reason behind the proposal for the two way shared catchment was that Austwick seemed the obvious choice, being a church school and the closest to Clapham, and there was more comfort in Bentham providing sufficient places. Adding Ingleton would add complications and cost to home to school transport arrangements. The proposal avoids splitting the existing catchment by drawing arbitrary lines between schools which are often unhelpful to parents. Andrew Dixon gave assurance that any points raised would be put to Members, and said a meeting had been held with local schools prior to the consultation process getting underway.

A local resident who has been looking at the existing catchment maps felt the areas need to be redrawn, particularly the Ingleton catchment area which splits the town. Previous school closures have resulted in catchment areas that no longer serve the schools they represent.

A parent commented that there are already children living within Clapham who attend the nursery at Ingleton, and they would like a guarantee that their child would receive transport to whichever school they choose. Cllr Mulligan said they cannot give any guarantees but would welcome responses on the catchment area issue.

A resident expressed concern around the future of Clapham once the school was gone. He felt the County Council was not being true to its own commitments. Cllr Mulligan responded to say they are facing enormous challenges in North Yorkshire with the number of small rural schools. He confirmed the County Council does not have a plan of rural school closures. This very issue is currently being looked at via the Rural Commission and there are wider, more complex issues at play and it is not just about schools.

A parent commented that the house prices in the area are too high for young families and questioned where were the affordable homes.

Questions were asked around the recent Ofsted outcome and in particular how the school got itself into special measures, and why an inspection was carried out at this time. Kate Lounds said the Ofsted inspection was carried out in June but they had previously requested a visit in February. When they rang in June the Ofsted inspectors were not minded to postpone again because of a HeadTeacher absence. Judith Kirk added that Ofsted are an entirely independent organisation and the local authority cannot influence their decision. A further question was asked about why it had been left so long between inspections. Kate Lounds explained that a law had been passed that said schools would not be re-inspected following an outstanding judgement so that local authorities could focus on schools that were not as good. This has now changed but local authorities continue to have no involvement in when an Ofsted inspection is carried out.

A resident asked why alarm bells did not start ringing when a large number of children were removed all at once and there was a fast turnover of HeadTeachers. Judith Kirk responded that changes in headteacher are not generally a cause for alarm. Work was being done but the changes happened quickly. Kate Lounds added that she has been working closely with the Governing Board. Simone Bennett talked about the difficulty in finding interim leadership and headteachers for small rural schools and although none of these are excuses they are reasons for the decline in standards. It was known that changes needed to be made.

A parent or resident asked does the local authority not have a duty to maintain an outstanding judgement? Judith Kirk responded that when a school is sat on an outstanding judgement, the focus of school improvement moves to support schools that are not doing so well. It is only when other factors come into play that checks and re-evaluations are then carried out.

A resident said he noticed that there has been no mention of federation or amalgamation and asked if this had been revisited. Andrew Dixon said that last time there was no

appetite from other schools to join a federation with Clapham and given the further fall in numbers it would be unlikely that this would be an option now. Andrew also added that it would not pass due diligence by Academy Trusts.

A further comment was made that if the local authority was aware the school was on a downward slide then so too would the parents be aware and that is why they would pull their children out. Judith Kirk responded that the school community also has a role in turning a school around and although the local authority has a duty to provide support it is the Governing Body's duty to lead.

Anne Russell, Vice Chair of Bentham and area Dean, wanted to say Bentham is a super school and that they already do have pupils on roll from the Clapham catchment area. She said that sustainable communities are key and every rural school is vulnerable. In response to a query on how parents and Governors can be expected to take on the responsibility of a school Anne said that although as Governors they start off unprepared you just have to get stuck in, even if you haven't yet got those skills. Judith Kirk added that there is no blame here, that it is a set of circumstances that had a series of consequences. She said the local authority, school, and Governors did their best. Last July there was no headteacher and no teachers. Over the summer the local authority worked hard with the Diocese, Governors and the Priestley Academy Trust to ensure the school was in a stable position for the start of term. It was a real positive at the time, then the Ofsted judgement came and numbers started to drop further. There are now no KS1 children in school.

A Governor of Clapham said the challenges the school has faced over the past few years have been extraordinary. They would like to recognise the support of the local authority and in particular Stuart Boothman (School Governance Team) for their support. Leadership at the school is now fantastic. They would also like to thank the neighbouring schools for their continued support.

A member of the Community Action Group said he was there at the Executive meeting last year and felt the full support of the County Council which led to the U-turn on the closure proposal. He fully endorsed Judith's last comments and wished local parents the very best.

The meeting ended with parents thanking Matthew Atkinson and Adam Kay for their leadership since the start of term.

The meeting closed at 7.55pm.

|           |  |
|-----------|--|
| <p>1.</p> | <p>As the Executive Head who joined the school this year, I did it to turn its fortunes around and make things better for the children and the community. It is with a massively heavy heart, that after all of the hard work and progress that I write this response. In my view the LA would be wrong to continue to maintain this school given its numbers. The school is not viable. It saddens me that we can barely organise a playground game. Classroom activities are so hard to deliver with such limited children. The curriculum offer is not feasible to such a small heart. I genuinely wanted to turn this schools fortunes around but I cannot see a feasible future for the school.</p>   |
| <p>2.</p> | <p>The transfer of catchment of Clapham school to Austwick and Bentham should surely be shared between Ingleton as well. There are children who would have a far longer and more hazardous journey than if they were to travel in Ingleton with the A65 and many hazardous minor roads to be negotiated. The fact that Burton's entire catchment was transferred to Bentham when it closed was in itself ridiculous. When you look at a map and consider the distance from places such as Westhouse, Thornton and Masongill (which now fall into Bentham catchment) a strong case exists for this to be the opportunity to redraw the catchment areas for all 3 schools - Austwick, Ingleton and Bentham to future proof the sustainability of each and ensure the safety of students travelling there. Surely just adding mile upon mile of catchment to Bentham school will result at some point in a catchment more akin to a secondary than a rural primary school and further fragment local communities. As an example In Burton in Lonsdale and Westhouse alone children go to at least 6 different primary schools as catchments areas are so divisive and nonsensical, this has resulted in a village where children don't actually know other children in the village. Extending Bentham's catchment to such a degree is only going to make this worse as people choose other closer, more preferred primary schools rather than go with the distant catchment offer in a totally different community.</p> |
| <p>3.</p> | <p>I am concerned that on the proposed closure of Clapham Primary School, clapham parish children will be in the catchment area of either Bentham or Austwick Primary School, and Ingleton Primary School has not been considered. The proposal is that the catchments of both Austwick Primary (2 miles away) and Bentham Primary (5.5 miles away) are expanded to include the current Clapham catchment area even though Ingleton Primary is closer to Clapham - 4.7 miles away. I am concerned that this is discriminating against future families living in the Clapham area who might want to choose Ingleton Primary for their children in the years to come. Bentham's catchment area already includes Thornton, Westhouse, Masongill which are all closer to Ingleton than Bentham, and Burton which is also very close. Ingleton has been left with a very small catchment area compared to Bentham. This seems very unfair in terms of parental/family choice for the future. I really think this needs further consideration, in order to be fair to all local schools and not just bias to Bentham Primary School.</p>   |

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| 4. | <p>I can't deny that closing Clapham as a primary school is the right choice but the catchment area suggestions area an absolute disgrace and an embarrassment. Looking at simple straight line distances, Newby (currently in the Clapham catchment) is 2.2 miles from Ingleton Primary School and 4.6 miles from Bentham. By car, it is 3.4 miles to Ingleton and 4.6 miles to Bentham, which is even further than to Austwick even. That, by itself, is enough to raise an eyebrow when you suggest extending the already extended Bentham catchment area to include Newby. But then you look at the impact North Yorkshire's school previous school closures has had on Ingleton's catchment and it's even more farcical. Thornton is in Bentham's catchment area. Thornton is 2.99 miles from Bentham and 0.85 to Ingleton. By car, it is even more ridiculous: 4.6 to Bentham and 1.6 to Ingleton. What is this anti-Ingleton prejudice that is running through the local authority? Why is more money being pumped in to Bentham than Ingleton? Why is Ingleton being squeezed and restricted on all sides? This screams of discrimination and a conscious and deliberate act by the council to prevent Ingleton from having an equal standing in the area. I understand that a lot of money was spent on a new school building, but that doesn't mean you can squeeze other schools until they yield to the will of the council. It causes resentment from the local community and division between the two villages. Even worse, whilst both schools remain very professional, it is obvious that this will be causing a strained relationship between the two. As you may be able to tell, I work in a school (in Cumbria, thank goodness) and therefore fully understand the importance of local schools working collaboratively and maintaining a positive relationship. What the council is already doing is driving a wedge between two good schools that would have more energy and ability to thrive if they were allowed to work together. By totally ignoring Ingleton with the catchment split from Clapham, you are highlighting the inequality in the council and how they will stop at nothing to force people to one school. Parents vote with their feet: the council trying to bully them in to going to Bentham by withholding transport that they should be entitled to is at best petty, and at worse discrimination. If the split does not include Ingleton, we shall be putting in a range of freedom information requests (a pain in the neck at the best of times) to investigate the funding differences and the decisions that have gone to promoting Bentham against all others, regardless of distances and practical considerations. And in this day of environmental awareness, can you really say that trying to force people to travel further by car to get to their local school is the right thing? Instead of having a school they can cycle to, they have a school they need to drive to. Brilliant - Greta would love that one... We will not be supporting the proposal as it stands and will be resisting it in the strongest possible terms if you decide to go ahead with it. Parents will not be forced in to going to Bentham just because the council decided they want them to, they will just resent missing out transport - or is that the plan to avoid having to pay for it? Either way, the council is wrong and needs to alter things somewhat. As a post script to this, I have the highest regard for Bentham as well. Pitching the two school schools against each other is not the answer, so please stop it.</p> |
| 5. | <p>Having looked at the boundary map for the local schools it seems that the catchment area should be shared between Ingleton, Bentham and Austwick. Children at for example Newby an Clapham who's parents may well work in Ingleton as there are more job opportunities will be able to choose which school of the three suits them most as they are all so close in proximity.</p>   |

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| 6.  | The proposed changes to the catchment areas would seem to be ill thought out. If there is space available at the two nearest schools to Clapham it seems perverse to propose transporting children to the furthest of the three local schools, surely it must be more environmentally sound to reduce unnecessary transportation as much as possible by dividing the existing catchment in such a way that children go to the school that is closest by road or footpath. Perhaps this might present an opportunity to reassess catchment areas across North Craven to try and reduce unnecessary emissions from road travel as it seems contrary to current thinking that pupils living within the village of Ingleton, or Thornton in Lonsdale who could potentially walk or cycle to school instead are encouraged to drive to Bentham, or are entitled to funded road transportation. |
| 7.  | Please consider widening the catchment of Ingleton rather than the catchments of Austwick and Bentham. We have a beautiful village school which needs continued numbers to thrive. Parents should always be offered the closest school as this is better for them in terms of travel and for the children and friendships. Austwick school is already bursting at the seams whereas Ingleton has lots of room for a larger community.   |
| 8.  | The catchment areas are unfair and only sets out to benefit Bentham Primary School in the hope that NYCC can justify the amount they spent on it, and not giving other local very good schools the opportunity for funding and development.   |
| 9.  | Surveys like this are a waste of time as will close anyway, my primary school (burton) and middle school (ingleton) were both closed and I saw a massive decrease in families with children moving to burton and it became a bit of a ghost town. I have a feeling the same will happen to Clapham as other than the school they don't have much else to offer. And for current students of clapham, uprooting them and chucking them into a larger school like bentham or ingleton could come with some problems for them and their parents but not the biggest concern right?   |
| 10. | My observations are in regard to the exclusion of Ingleton in the catchment area which takes away parent choice. I was not aware of how this could impact on Ingleton as a thriving village going forward. I don't think many villagers know that the catchment area for Ingleton school ends at the waterfalls entrance and at the iron bridge in the A 65. There is no logic or sense to this, why are very young children travelling to school further than they need to? It's certainly not environmentally friendly and makes their school day longer than necessary. Really, I fail to see any positives from this.   |
| 11. | I feel that Clapham should be included in the catchment area for Ingleton Primary School. It is closer geographically than Bentham and Bentham Primary has already had loads of money thrown at it. Ingleton school desperately needs a new classroom.  |
| 12. | The closure of Clapham primary has been inevitable for a while but I cannot understand why you would want the children of Clapham, and Newby in particular, to go anywhere other than Ingleton Primary. It makes me wonder if you have ever been or if you are just drawing lines on a map!   |
| 13. | I am pleased with the catchment going to Austwick & Bentham Primary Schools. Our children at Ingleton are full to bursting and children are always accepted out of catchment area anyway. I would rather see the other 2 local schools who have space fill theirs.  |

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| 14. | <p>On behalf of the governing body for Bentham Community Primary School I wish to express our sadness that Clapham Primary has again reached the decision to consult to close. We know how difficult school governance can be, and how passionately everyone at Clapham works for the needs of the school and the community - and in most cases voluntarily. Clapham is a wonderful village with a strong community spirit and I am confident that it will continue to flourish. We are happy to have been considered in the proposed catchment of the Clapham area should the closure take effect. It seems appropriate that Clapham parents would have a choice of a church school and a community one. We are incredibly lucky at Bentham to be able to offer children a modern, spacious and nurturing learning environment and with capacity for growth, the proposal offers long term sustainability for education in the area. As has always been the case, we at Bentham Community Primary will continue to offer help and support to the Clapham community and its children however it is required.</p>   |
| 15. | <p>I would like to make particular reference to the proposed catchment area. The proposal is that the catchments of both Austwick Primary (2 miles away) and Bentham Primary (5.5 miles away) are expanded to include the current Clapham catchment area even though Ingleton Primary is closer to Clapham - 4.7 miles away. I feel that this is discriminating against future families living in the Clapham area who might want to choose Ingleton Primary for their children in the years to come and could in the future negatively impact on Ingleton Primary School which already has a very small catchment area.</p>   |
| 16. | <p>Clapham Consultation – a response from the Headteacher at Ingleton Primary School<br/> Clapham is our “neighbour” and we have always worked closely with members of the school community. We have helped informally and formally as much as we could and we are genuinely saddened by this second proposal for closure. We have provided headship cover and support, teaching input and training, as well as admin support over the past few years. We also initiated a teacher secondment to relieve some of the financial/staffing pressures. Unfortunately we have been aware of the challenges this lovely small school has faced. Last year before the first consultation on closure our Governing Body considered a shared Headship, but felt that assisting on a permanent basis would be detrimental to Ingleton Primary School. In the consultation document Austwick is named as the nearest church school and we are named as the nearest community school, yet it is proposed that the catchment areas for Bentham CP School and Austwick are expanded to include the Clapham area. We object to this and we would like our catchment area to be reviewed too. We request that the Clapham catchment be shared between Ingleton, as well as Austwick and Bentham. As a school we feel very strongly that this is discriminating against future families living in the Clapham area who might want to choose Ingleton Primary for their children in the years to come. This isn't about us taking in additional children to expand our school now, it is about future-proofing our school and giving a fair choice to families in the area. The Ingleton catchment area is already quite small in terms of populated areas. Families who live over the second bridge in the bottom of the village are actually in the Bentham Primary catchment. Thornton, Westhouse, Burton, Masongill are all out of our catchment area. When Richard Thornton's (Burton-in-Lonsdale) closed, the authority gave the entire catchment to Bentham Primary School even though Thornton and Westhouse pupils live considerably closer to Ingleton and they have always attended our school. Our school catchment suffered because of the Burton closure and we want to avoid history repeating itself. If the proposed catchment area is actually mapped then we could potentially have a geographical area (which incidentally includes very little populated land up from Chapel-le-dale) nearly surrounded by a vast and well populated Bentham Primary catchment area which includes plenty of built up places including Low Bentham, High Bentham, Burton-in-Lonsdale, Westhouse, Thornton-in-Lonsdale, Keasden, Clapham, Newby etc. In the future this proposed catchment would be extremely detrimental to our school and our community. We are very supportive of our local</p> |



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|     | <p>schools and we work together closely. We do care about the sustainability of all the remaining schools in this area, ours included, and that is why a fair decision is needed.</p>   |
| 17. | <p>I think it is a shame for the parents who want their children to go to Clapham C of E Primary School that it is closing, but the school has struggled for a long time, so its closure seems inevitable. As a parent with children at Bentham Community Primary School, I believe that the children who currently attend Clapham School would definitely benefit from attending Bentham School. Bentham is a brilliant school with wonderful teachers and lots of extra-curricular opportunities. Bentham School has plenty of space to accommodate more children (it in fact has the capacity to take lots more children) and already has lots of positive links with Clapham. I believe the catchment should include Austwick as a church school and Bentham as a community school. There is no need for other schools to be included in the catchment.</p>   |
| 18. | <p>I would like to support the proposal that the Clapham catchment area be shared between Bentham C P School and Austwick C of E School. I believe the children within the catchment area should be given the option to choose between a community school and church school. I also strongly believe that no other schools should share the catchment area as Bentham school was built with the capacity to take on more children and so far these places have not been wholly fulfilled. This, in turn, means high building costs and mixed age classes. As a parent I would like to see single age classes, in the future, to better meet the needs of the children. Additionally, Bentham School needs better financial security for the future as currently building maintenance costs and empty classrooms are compromising that.</p>  |
| 19. | <p>It is very sad that Clapham CE Primary School finds itself under consultation for closure again. The school has been at the heart of the local community for a long time. Should the decision be taken to close the school on this occasion, I would like to express my views on the proposed division of the Clapham School catchment. As the document notes, there are a number of alternative good schools around and I believe that this should be fairly represented between the 3 remaining schools in the locality - Ingleton Primary, Bentham Primary &amp; Austwick Primary. All children living along the A65 from Ingleton as far as and including Newby would have Ingleton Primary School as their nearest school with the closure of Clapham, yet my understanding is that the Clapham catchment would only be divided between Bentham and Austwick. This would mean that the nearest primary school from my home from September 2020 will not become my child's catchment school. I live along the A65 within the current Clapham catchment. Under the current proposals, this would mean that my child would have longer travel times to school each day and have to travel on back roads rather than a direct route to Ingleton. I understand that my child's catchment school would become Bentham Primary under these proposals. From my home in the Newby Parish (LA2 8JD), these are the distances to the 3 remaining schools (Googlemaps) Ingleton - 2.7 miles Austwick - 4.1 miles Bentham - 5.0 miles I would always choose to send my child to Ingleton Primary as the nearest good school (February 2020). From Newby village: Ingleton - 3.1 miles Austwick - 3.4 miles Bentham - 4.4 miles Therefore, to reduce travelling times and costs, I hope you will consider how the division of the Clapham catchment impacts on children and parents, and ensure that our children have the right to attend their nearest primary school, not one at a greater distance imposed on us. Should the outcome of the consultation be to close Clapham, I hope that the division of the catchment will be fair to ensure the long term future of our 3 remaining village schools with the best interests of our children at the heart of this difficult decision-making process at this difficult time.</p> |

20. I am a lifelong resident of Keasden, the small hamlet just outside of Clapham and work on a self-employed basis serving my community as a community physiotherapist. I have two small children under the age of two whom I had wished to attend Clapham Primary School. I feel the current situation with the school is extremely sad and disappointing and struggle to comprehend the circumstances which have led to the schools demise. I attended the school as a child as did three generations of my family before me and am very grateful for the excellent education the school provided for me and for other members of my family, which is why I find this situation so upsetting. I am heartbroken, that after my husband and I have worked, and continue to work so hard to provide them with a grounded rural childhood similar to that which we received, the opportunity to attend such a fantastic local school has now been taken away. People with young families who have been born and bred in this area already face a struggle to remain in the area they have grown up in and pay extortionate rents and mortgages for the privilege of doing so. In addition to this, we, in this area, pay a considerable amount in council tax compared to our counterparts in the city yet our public services have been, and continue to be, cut to the bone. Unfortunately it is getting to the stage where this area will be a place where young families just can't afford to stay and I'm sad to say closure of Clapham School is yet another step in that direction. I feel very strongly that there is a need for small rural schools, not only for rural children already living in the area but also for those who will undoubtedly move into the area given the amount of new house building that is currently being undertaken. Additionally, the surrounding schools which are similar to Clapham are already full, clearly demonstrating the appetite among parents to have their children attend a school that has reasonable class sizes and provides a good quality education. Therefore, it is my sincere opinion that to close Clapham primary school, even given its poor OFSTED report is a mistake, not only for the children of Clapham and the surrounding area but also for the community. Removing the school from Clapham is going to have a huge detrimental effect on the village both in terms of community adhesion but also for the businesses in the village, as there will now be a reduction in the amount of people passing through to support these businesses. If the school closes, the council's planning department should review its procedures and cease passing planning for new developments in the Clapham area when there is no longer a school. Certainly, families with primary school age children are now very unlikely to choose to live in Clapham when there isn't a school within the village. This will almost certainly result in the village becoming a retirement village which will, in time, enhance the social care problems that all communities are now facing with an aging population. However, for this area these problems will be further compounded if few young people remain. Having a balance between the younger and older generations is essential for good community relations and social adhesion, particularly in a rural area and I feel strongly that the community as a whole will be much poorer with the loss of the school. However, having attended the recent consultation meeting I am of the sad opinion that the end result of this consultation will be closure of Clapham Primary School. Therefore as a parent, I am deeply concerned about the future of my children's education and moreover the council's ability to provide it, given the circumstances surrounding Clapham's demise. In particular, the council's specified desire to reallocate children in the Clapham catchment area to either Austwick or Bentham and not include Ingleton, despite it being nearer to Clapham than Bentham and on the list of alternative schools at the meeting, concerns me particularly as this reduces parental choice, something which I believe to be essential both for current and future parents in the Clapham area. It is vital that parents in the Clapham area, like myself, have the choice as to which of the three nearest schools their child/children attend without any barriers, for example to funding for their place or school transport. In order to give parents that choice, it is essential that the catchment areas of Austwick, Bentham and Ingleton be expanded to include the current Clapham catchment area, encapsulating the three nearest schools to Clapham, thus offering parents a real choice.

This would also ensure that each of the three schools nearest to Clapham and proposed as alternatives by the council in both the previous and current consultation meetings, receive the correct funding and assistance to fully meet the needs of both the current and additional pupils they will gain as a result of this school closure, both in the short and long term. Additionally, home to school transport should be provided by the council, without question, to the three nearest schools, Austwick, Ingleton & Bentham (ordered in distance from Clapham) for those children in the current Clapham catchment area who will now be forced to attend elsewhere due to the closure of their local school. It is not the fault of the children or their parents that the school has closed and therefore, parents and future parents in this rural area should be supported by the council with home to school transport to the three nearest schools. Moreover, the environmental cost of closing the school must be considered with parents facing the prospect of travelling their children to one of the three nearest schools. Surely it cannot be environmentally beneficial to have an influx of cars running from the Clapham area either end of the day to Austwick, Ingleton and Bentham? Certainly if the council were to allow this to be the case, it would be a direct contrast to the pledges made by the UK government in its climate change policy. Congestion in Austwick, Ingleton and Bentham already causes significant issues, clearly signalling the need for school transport in order to reduce this, if these schools are to take on additional pupils resulting from the closure of Clapham. It is essential that all steps are taken to prevent further traffic problems in these areas for residents, businesses and for the environment, both now and in the future. It is said that education is the wing on which dreams fly, something I have found from personal experience to be very true. Therefore, it is imperative that children in this area receive the highest possible standard of education and the duty of the council to ensure that this is the case, by supporting the current and future children of the Clapham area and their parents, be it by maintaining Clapham Primary School or supporting parents' choice with regard to the three nearest alternative schools. Additionally, the council must support the staff and governing bodies of Austwick, Ingleton and Bentham in ensuring these schools have all the provisions they require in order to cope with the increased demands placed upon them, should the school close. Lessons must be learnt from the sad situation Clapham Primary School has found itself in and it is the duty of the council to ensure no other school in the area ends up in the same situation, as ultimately it's not just the children and their parents that lose out, the entire rural community is irreparably affected.

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| 21. | <p>As a school we were very saddened to hear that Clapham School is once again under consultation to close and we recognise the strength of feeling within the local community at potentially losing another small school within North Craven. Before the formal consultation process began, local schools were invited to meet to discuss the options, moving forwards, to the catchment arrangements should the decision be made for Clapham School to close. We were pleased that the Local Authority held this meeting so that an open and honest discussion could take place and that Bentham School is named as part of the proposal for the current catchment area of Clapham School alongside Austwick School. We believe that this is the best option moving forwards for the following reasons: Austwick School is a Church school and the families, both present and in the future, should be given the option of their child attending a church school, as they would have done if Clapham School were to remain open. Austwick School has some available space for new children and adequate sufficiency of places in the future. Bentham School has sufficient space both now and in the future, in all year groups, without the need to build additional classrooms. Bentham and Austwick School are both within short travelling distance to all parts of the current Clapham catchment area. Bentham School has school transport already in place, providing transport from the current Clapham catchment area. Bentham School needs to be sustainable and the additional children from an extended catchment area would support this sustainability. Throughout the consultation process, there have been discussions around a three way shared catchment area with Ingleton Primary School. As a school we accept that Ingleton School does lie closer to some areas of the current Clapham catchment. However, we believe Ingleton Primary School should not be included in the proposal for the following reasons: A three-way division of transport is not financially viable, sustainable or environmentally productive. A three-way division of the catchment area would make projecting future intake of children more challenging. Ingleton School draws from a densely populated, albeit small, catchment area with housing continuing to be built within the current catchment area. Ingleton School has already used their hall as a classroom to be able to accommodate increased numbers demonstrating lack of space currently. Ingleton School have applied for, and had refused, funding to build an additional classroom; demonstrating the issues around sufficiency of places both now and in the future. Austwick and Bentham both have space within their schools, without needing to extend or use further LA funding to create additional space. As a school we would urge the County Council's Executive to consider the above very carefully and encourage a decision to be made that secures the sustainability of the remaining schools in North Craven.</p> |
| 22. | <p>As a parent of a child in Bentham CP I would welcome more children at my daughter's school. It is a wonderful, spacious, purpose built school and is not even near capacity at present. We would also very much welcome single aged classes which, with more children and more finance would be more likely to become a reality.</p>  |
| 23. | <p>Being involved in the previous attempt to keep Clapham Primary School open made me realise how vulnerable village institutions are in small rural communities. Yet in this age where child and adolescent mental health, carbon footprint, an ageing population and social isolation are such enormous issues, bigger is not always better. I hope that other villages will learn from our loss and realise that a school is a vital element of a happy, sustainable and balanced community.</p>  |

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| 24. | <p>The very low number of pupils remaining at Clapham means that maintaining the school is no longer educationally or financially viable. NYCC should ensure that it provides the current school leadership with the right resources and support to complete the current school year and to close the school whilst ensuring the best possible outcomes both for the current pupils and for the community in the long term. Careful consideration should be given to the reallocation of school catchment areas upon closure of the school. This should be based on the needs and wishes of the community and not purely on distance. Many members of the community clearly feel more closely connected to Ingleton than to Bentham. Ingleton is connected via a faster road connection and a reasonably regular, fast and convenient bus service. Historically, the communities have been closely connected socially and economically. I understand that the temptation may be to prioritise Bentham, which is a slightly closer option for many and is likely to have greater capacity, however I ask that the Council carefully consider the needs and wishes of the Clapham community, who (subject to the result of this consultation) are already losing their community school.</p>   |
| 25. | <p>I object to the proposal re sharing the catchment area not including Ingleton Primary School which is the second nearest primary school to Clapham. I understand NYCC concerns regarding Bentham Primary School having significant spare capacity - however this is not Clapham parents problem. To not include Ingleton compromises parental choice and results in a longer journey to Bentham and therefore a longer school day. The route to Ingleton is also more direct than the route to High Bentham. At the recent public meeting current Clapham parents expressed, quite strongly, their support for the above. I sincerely hope NYCC will consider this and put the pupils and parents welfare first as opposed to decisions based purely on finances.</p>   |
| 26. | <p>Regarding the new proposed catchment areas, I would strongly prefer Austwick Primary School to be the catchment school for Keasden and Clapham and Newby too if Austwick School has the capacity to cover the whole of the old Clapham School catchment area, as Austwick is much nearer and is the nearest match in size and culture to Clapham School, to help existing and future pupils.</p>  |
| 27. | <p>I have been a resident of Clapham for 15 years, am the parent of three sons, grandparent of eight children and have worked in the schools sector for a number of different Local Education Authorities for a total of 30 years. I am totally committed to State education in both principle and practise.</p> <p>I attended the consultation meeting held in Clapham on 7 March 2019 to consider the closure of Clapham Primary School and the meeting held in Clapham on 4 February 2020 to again consider the closure of that school. I am one of the people who, when the school was threatened with closure, gave money to help to solve the budgetary issues which confronted the school.</p> <p>I am compelled to say that at the February consultation meeting I was disappointed by the demeanour of the LA and Diocesan officers laying out their case for the closure of the school. They gave every appearance that the decision had already been made and that the school would close whatever parents and other residents said. The Consultation Document unequivocally proposed that the school close with effect from the end of this coming August. There appears to be no plan for any alternative to closure.</p> <p>It was pointed out that Clapham Primary School currently has few children on roll. At the meeting I made the point that the stated policy of North Yorks County council is to support its many small rural schools. I see from their website that the County Council has, in response to draconian cuts in funding, established a Rural Commission which seeks ways in which to "...maximise the sustainability of the super-sparse rural communities..." and to find ways in which to "halt and reverse rural decline". The view of the County Council is there stated to be "... that if small schools are to survive, then communities must remain sustainable...".</p> |

These are reassuring words which suggest that Clapham School should be kept open, that every attempt will be made to keep it open in spite of budgetary constraints. And yet, at the consultation meeting, this did not appear to be the case. Neither the Local Authority nor the Diocesan authority appear to have taken to heart the County Council's commitment to small rural schools.

The aim of the NYCC's Rural Commission is stated on the NYCC website to be to identify actions which would "...maximise the sustainability of the super-sparse rural communities in North Yorkshire" and would "...strengthen the case for greater government support in seeking to maximise rural sustainability".

The website claims that the Council is "transformative", "entrepreneurial", that it promotes "stronger communities", that it is "outstanding across the board for children's services, that is "...working...to maintain the life and economic viability of rural areas...". The website also points out that North Yorkshire is "...ageing faster than other parts...", that it has fewer young people than the national average.

The decision to close Clapham school would condemn the village to housing an ageing community with fewer children and young people as families of prospective residents look elsewhere for a home near a school for their children. Clapham would become a geriatric ghetto. This would clearly not be the government's intention. The statutory guidance on school closure ([www.Opening\\_and\\_closing\\_maintained\\_schools1012](http://www.Opening_and_closing_maintained_schools1012)) exhorts decision makers to "Provide evidence to show they have carefully considered... the overall and long-term impact on the local community of the closure of the village school..." it would be helpful if the conclusions of such consideration were made available to the Clapham community.

The LEA closed Keasden School in October 1946, closed Newby School in 1977, closed Horton School in July 2017 and now plans to close Clapham School in 2020. This cannot be the way to support small rural communities. The LEA is clearly failing to uphold NYCC policy towards those communities, it is indeed working against that policy and appears to have been doing so for some years.

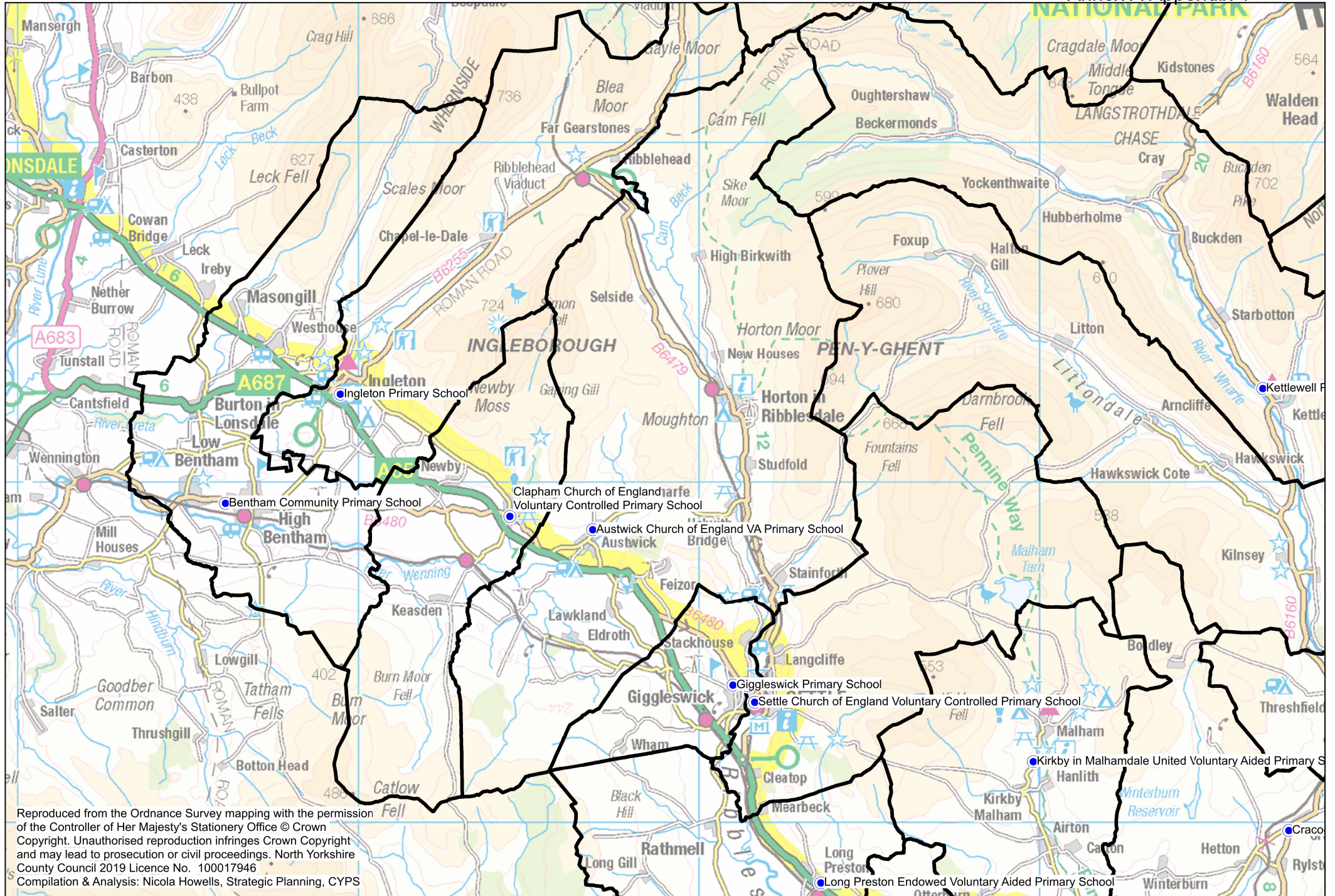
The NYCC Rural Commission states that it plans to "...provide an action plan and workable recommendations by next summer to maximise sustainability...". Assuming that the summer in question is that of 2020 I would beg the LEA to review its closure decision and instead to give Clapham School another year or two, during which the Rural Commission's action plan could be put into effect and given time to demonstrate its efficacy. To fail to do so would be to condemn the plan before it is even announced.

## Responses to the Statutory Notice for Clapham CE Primary School

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| 1 | <p>I wish to register my disappointment at the decision to transfer Children from Clapham School. You are taking small children a greater distance to Bentham. As you know Bentham is not near a main route to anywhere.</p> <p>Your'e also making small children endure setting off earlier than they need to attend school. Are you trying to starve Ingleton of pupils in the long term? If this is so I find the decision even more insidious as it starves Ingleton School of a future. If as you appear to remove the sensible enhanced catchment area you are effectively carving Ingleton school out of future pupils.</p> <p>Is this a long term aim to close Ingleton Primary School and make all the children in the area attend the 7 million pound school to justify its existence.</p>  | Ingleton resident       |
| 2 | <p>Following the recent Parish Council meeting there was a lengthy discussion on the outcome of your consultation regarding the closure of Clapham School and the subsequent structuring of the catchment area. I was asked by the Councillors to write to you to voice their strong objections to the exclusion yet again of Ingleton Primary School from the catchment area left by the Clapham School closure. The decision to split it between Austwick and Bentham schools was felt to be strongly deleterious to Ingleton Primary School's future, as clearly there will be negative funding implications that will have a permanent effect on our local school going forward.</p> <p>It has also to be said that although your proposal tries to force parents to fill the gaps at Bentham, the reality is many will probably still go for Ingleton as their school of choice rather than Bentham or Austwick for good reasons. Ingleton Primary School already has a high percentage of pupils from outside its catchment area. However, as you know, unfortunately these numbers are not counted when it comes to funding facilities at Ingleton Primary School. Ingleton Parish Council views this proposal as a spurious cost-cutting measure that further erodes the future viability of Ingleton Primary School, as well as increasing travel times and expense for local children.</p> <p>Ingleton Parish Council fully supports the views of Ingleton Board of Governors in strongly urging you to reconsider this decision which cannot be of benefit to the parents and children involved, both now and for generations to come.</p> | Ingleton Parish Council |
| 3 | <p>I am responding to this consultation and complaining about the exclusion of Ingleton Primary School in the catchment area for Clapham. Ingleton Primary should be included as a choice for families living in this area, as well as for those living in Westhouse, Thornton in Lonsdale and Burton in Lonsdale. Parents have the right to choose which school to send their child to. Reducing Ingleton Primary's catchment could have a detrimental effect on the future numbers of children at the school.</p>   | Resident                |
| 4 | <p>In response to the proposal to close Clapham CofE Primary School, we would like to make the following comments:</p> <p>As a school we are very pleased that the County Council have supported the future financial stability of Bentham Community Primary School, in proposing the current catchment area is shared between Bentham and Austwick Primary Schools.</p> <p>We are acutely aware of the need to ensure our school does not continue to have a forecast deficit budget and know that the only way this can be achieved is through increasing pupil numbers and reducing the cost per place of the high building and maintenance costs that we currently face. With the potential for the increased pupil numbers, both now and in the future, this decision will have many benefits on the education of the children attending Bentham CP School.</p> <p>From an environmental point of view, this decision is also supported by our school. We currently have a number of minibuses and taxis transporting children to our school from a variety of postcodes. From our own internal</p>  | Bentham CP School       |

|   |  |                                   |
|---|--|-----------------------------------|
|   | <p>planning we can see how these could be better utilised to support more families from Clapham catchment area, without the need for more vehicles and unnecessary costs that would be seen if a greater number of primary schools were to be included in the proposal.</p> <p>We strongly support the proposal suggested and welcome the County Council's continued support of our school through this catchment area decision.</p>   |                                   |
| 5 | <p>It is clear that Clapham Primary School is no longer sustainable. With closure being proposed and consulted upon, a question is raised as to how can the Local Authority best support remaining schools moving forward in North Craven when remaining schools are themselves struggling with ever tighter school budgets. It seems right and proper that the funding for pupils, based on the last census, is directed to North Craven schools from a September 1st and a transitional budget arrangement be in place to help fund schools fund the extra children. For example, Settle CE Primary School have admitted ten former Clapham Primary School pupils since September 2019 but received funding only for four as six arrived a few days after census. This includes no additional funding for pupils who it has transpired have pupil premium or special educational needs. Will Settle Primary School and other schools receive funding for the financial year period September 2020 - March 2021 for pupils who are transferred since the last census as Clapham will be closed. How will remaining Clapham resources be fairly distributed to local schools? In recent years we will have seen the closure of two middle schools at Settle and Ingleton as well as the closure of Langcliffe, Horton, Richard Thornton, Rathmell, Low Bentham and now Clapham Primary School. What is the strategy moving forward to financially help those schools that remain open? Is there a strategy ?</p>   | Settle<br>CE<br>Primary<br>School |
| 6 | <p>Further to the outcome of the public consultation regarding the closure of Clapham CE VC Primary School (CPS) this is my response to the proposal to preclude Ingleton Primary School (IPS) from the revised shared catchment area for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Please note: I am not against Austwick CE VA Primary School being part of the new catchment area as it is the nearest church school to Clapham.</li> <li>2. From the information provided by you, IPS is some 0.8 miles nearer to Clapham by road than Bentham Community Primary School (BCPS). It will in reality be considerably closer for some of the pupils e.g. from Newby residents.</li> <li>3. Following on from point 2 this increases the detrimental impact on the environment.</li> <li>4. It would be possible for parents of pupils from, say Newby, for them to travel to school by bicycle. They would be able to use the quiet Old Clapham Road which runs adjacent to the very busy A65.</li> <li>5. Part of the route between CPS and BCPS is along the busy A65 road.</li> <li>6. Due to more traffic enroute and longer journeys the school day would be longer for pupils travelling to BCPS than to IPS.</li> <li>7. The decision compromises the rights of parents to send children to a school of their choice.</li> <li>8. It discriminates against less well-off parents who depend upon the local authority assisting with school transport.</li> <li>9. IPS has a large percentage of 'out of catchment area' pupils. This is because current defined catchment areas for IPS are no longer 'fit for purpose'. For example, when Burton in Lonsdale School closed some years ago the whole of their catchment area, which included Thornton in Lonsdale, was allocated to BCPS. Thornton in Lonsdale is situated approx. 1 mile from IPS and more than 3 miles from BCPS. When decisions like this and CPS are made re school catchment areas what is the detrimental impact on the environment and on pupils socialising with their friends out of school? IPS is now faced with a similar bad decision by the local authority.</li> </ol> | Ingleton<br>CP<br>School          |







Department  
for Education

# **Opening and closing maintained schools**

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

**November 2019**

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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 maintained school and / or the discontinuance (closing) of an existing maintained 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 September 2020.

## 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, proposers and school governing bodies to ensure that they act in accordance with the relevant legislation and have regard to statutory guidance when seeking to make changes to or to open or close a maintained school and they are advised to seek independent legal advice where appropriate. Similarly when making decisions on such proposals, LAs and

Schools Adjudicator must act in accordance with the law and must have regard to statutory guidance.

## 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 revenue 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 under section 11 of the EIA 2006. More information can found [here](#).
- Proposers wishing to establish a new school may also wish to consider [opening a free school](#).
- It is possible for any person (‘proposer’), in certain circumstances, to publish a proposal for a new maintained 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 maintained 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 relevant [statutory process](#).
- Both the consultation period and the representation period should be carried out in term time to allow the maximum numbers of people to see and respond to what is proposed.
- The decision-maker will need to be satisfied that the consultation and representation period were appropriate, fair and open, and that the proposer has given full consideration to all the responses.
- Proposers should be aware of the guidance for decision makers set out in part 5 of this guidance and ensure that their proposals address the considerations that the decision-maker must take into account. The decision-maker must consider the expressed views of all 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 parents<sup>1</sup> of children at the affected school(s).

- In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (intervening in failing, 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](mailto: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

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

## 2: Proposing a new school

This section sets out how to propose the establishment of a new school. Proposer groups may also wish to consider [establishing a free 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                                  |
| Section 7 (Stage 1)<br><br>Any free school proposals will be considered first. If a proposal is received and considered suitable the competition ends and the the free school proposal is taken forward. | Other proposers                           | RSC (on behalf of the Secretary of State)   | No                                  |
| Section 7 (Stage 2)<br><br>Where no suitable free school bid is received, proposals submitted for a new foundation, foundation special or voluntary school will be considered.                           | Other proposers                           | LA <sup>2</sup> (Schools Adjudicator where the LA is involved in the Trust of a proposed foundation school) | No                                  |

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<sup>2</sup> 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 11       | Other proposers     | LA <sup>3</sup>   | The Diocesan Board of Education of any CofE diocese in the relevant area.<br><br>The bishop of any Roman Catholic church in the relevant area.<br><br>Proposers (if the LA is the decision maker)                    |
| Section 10       | LA                  | Schools Adjudicator   | No.  |
| Section 10       | All other proposers | LA (Schools Adjudicator where the LA is involved in the Trust of a foundation school) | Where the LA is the decision maker <sup>4</sup> ;<br><br>Proposers<br>The Diocesan Board of Education of any CofE diocese in the relevant area.<br><br>The bishop of any Roman Catholic church in the relevant area. |

## Related proposals

A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Proposers should ensure that this information is set out clearly within their proposal.

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

<sup>4</sup> Where the Schools Adjudicator is the decision-maker, there is no right of appeal.

## 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.

LAs 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 should take account of any proposals they are aware of that will meet that need. If a LA has received a proposal for a new LA maintained school, and subsequently identifies the need for a new school, then the LA can decide the maintained school proposal<sup>5</sup> 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.

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](#).

The LA must publish a specification for the new school. The specification is only the minimum requirement and proposals may go beyond this. Proposers may submit proposals for a free school, foundation, foundation special or voluntary school into the competition. Where a free school proposal is received, the RSC

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<sup>5</sup> Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

(on behalf of the Secretary of State) will consider any free school proposals first when making a decision on the case.

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. Proposers should set out the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition and, where these exceed the initial cost estimate made by the LA, the proposer should set out the reasons for the additional requirements and/or costs.

## **Proposing a maintained school 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, proposers must follow the required statutory process as set out in part 4 of this guidance.

### **Section 11 proposals**

Any persons ('proposer'), e.g. a diocese or charitable trust, may publish a proposal, at any time, for a new school outside the free school presumption and competitions process under section 11 of the 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. Further information about the scheme is available [here](#).

## 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.

Proposers wishing to apply for consent should email [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) and request an application form. 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 proposers<sup>6</sup>.

## Factors to consider when proposing a new school

Proposers should consider the following factors when making proposals to establish a new school.

### Demand vs Need

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. Proposers may wish to discuss their plans with their LA to understand levels of need for their proposed school.

Proposers should also demonstrate parental demand for the new school places and the type of provision being proposed, the quality and diversity of provision available in the local area, and the impact of the new places on existing educational provision in the local area.

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

## Proposed admission arrangements

Proposers should set out their intentions for the admission arrangements of the proposed school, including, where the proposal is for a voluntary or foundation school, whether the school will have a religious character and apply faith-based admissions criteria.

Proposers should ensure that they consider all expected admission applications when considering demand for the school, including those from outside the LA area in which the school is situated.

## National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community<sup>7</sup>.

## 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.

Proposer should have regard to the [Integrated Communities Action Plan](#) as well as any local integration and community cohesion strategies.

When making a proposal, the proposers should take account of the community to be served by the school and set out how:

- The school will be welcoming to pupils of all faiths and none; and show how the school will address the needs of all pupils and parents.
- How the school will provide a broad and balanced curriculum and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
- How 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 or none.
- How 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.

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<sup>7</sup> Under sections 90, 91, 92 and 93 of the Education Act 2002.

## Travel and accessibility

Proposers should be satisfied that accessibility planning has been properly taken into account and that the proposal will not adversely impact disadvantaged groups.

LAs have a duty to promote the use of suitable travel and transport to school.

Proposals should include a statement that the proposals are not expected to increase journey times, increase transport costs or result in children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

## Funding

Proposers must include a statement setting out 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.

Proposers relying on the department as a source of capital funding should not assume that approval of the 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.

## 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 LA.

For Foundation, Foundation Special, and Voluntary Controlled schools, the duty to implement any proposals falls to either the governing body, or LA, 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. Where the proposals for a new foundation or voluntary school are approved, the LA must transfer any interest it has in the premises to either the trustees of the school or, where the school has no trustees, the school's foundation body to be held by that body for the relevant purposes. The LALAMust pay to relevant persons any reasonable costs incurred in connection with the transfer.

If any doubt or dispute arises as to the persons to whom that transfer it to be made, it must be made to such persons as the Schools Adjudicator thinks proper.

### 3: Proposing to close (discontinue) a maintained school

This section sets out information for LAs and governing bodies wishing to propose the closure of a maintained school.

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<sup>8</sup>:

| Proposer | Type of proposal   | Decision-maker | Right of appeal to the Adjudicator? <sup>9</sup>   |
|----------|--|----------------|--|
| LA       | Following a statutory process to close a community, community special or maintained nursery school | LA             | The Diocesan Board of Education of any CofE diocese in the relevant area.<br><br>The bishop of any Roman Catholic church in the relevant area. |

<sup>8</sup> Proposers should be aware that in ALL cases where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

<sup>9</sup> Where the Schools Adjudicator is the decision maker, there is no right of appeal.



| Proposer       | Type of proposal   | Decision-maker | Right of appeal to the Adjudicator? <sup>9</sup>  |
|----------------|--|----------------|---|
| LA             | Following a statutory process to close a foundation, foundation special or voluntary (VC or VA) school | LA             | <p>The Diocesan Board of Education of any CofE diocese in the relevant area.</p> <p>The bishop of any Roman Catholic church in the relevant area.</p> <p>The governing body or any foundation of the foundation or voluntary school specified in the proposals.</p> |
| Governing Body | Following a statutory process to close a voluntary (VC or VA), foundation or foundation special school | LA             | <p>The Diocesan Board of Education of any CofE diocese in the relevant area.</p> <p>The bishop of any Roman Catholic church in the relevant area.</p> <p>The governing body or any foundation of the foundation or voluntary school specified in the proposals.</p> |

## Reasons for closing a school

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

- 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 to long term;
- It is to be [merged or 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.

## Related proposals

Where proposals are related, this should be made clear in consultation and 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.

## The presumption against the closure of rural schools

Proposers should be aware that the Department expects all decision-makers to adopt a presumption against the closure of rural schools. This doesn't mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area.

The presumption doesn't apply where a rural infant and junior school on the same site are being closed to establish a new primary school.

Proposers should set out whether the school is referred to in the [Designation of Rural Primary Schools \(England\) Order](#) or, where it is a secondary school, whether the school is identified as rural on the [Get Information about Schools](#) database.

Proposers should provide evidence to show they have 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 the local 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.

## **The presumption against the closure of maintained nursery schools**

Proposers should be aware that decision-makers are expected to adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but that the case for closure should be strong.

Where a proposal is for the closure of a maintained nursery school, the proposer should set out:

- plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity and quality 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.

## **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), can publish a proposal to open a new school, depending on category. 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 change 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. This means that where two or more schools have amalgamated and the intention is that the successor school will have a religious designation, the new school will have to apply for that 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 provisions<sup>10</sup>, 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

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<sup>10</sup> As outlined in section 30 of the SSFA 1998, and including those in the DBE Measure 1991.

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 direct<sup>11</sup> 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 other LA who would be affected by the closure of the school; the person(s) who appoints the foundation governors (for a foundation special school with a foundation); 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.

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<sup>11</sup> Section 17 of EIA 2006

## 4: The statutory process

This section sets out the stages of the statutory process. The statutory process below must be followed for opening<sup>12</sup> and closing<sup>13</sup> a maintained school.

### Stage one: consultation

It is a statutory requirement to consult any parties the proposer thinks is appropriate before publishing proposals under section 10 or 11 for new schools and for section 15 proposals to close a maintained school.

The proposer may use the consultation to consider a range of options for the future of a school (e.g. amalgamation, federation or closure). However, the proposer must then publish specific proposals (see stage two of the statutory process below). It is these specific proposals setting out details of the new school or the school to be closed which can be commented on or objected to during the statutory representation period.

It is for the proposer to determine the nature and length of the consultation. It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. Proposers should have regard to the Cabinet Office guidance on [Consultation principles](#) when deciding how to carry out the consultation period.

In the case of the closure of rural primary schools and special schools, the Act sets out some particular groups who must be consulted. This is set out in Annex A.

### Stage two: publication

A statutory proposal should be published within 12 months of the 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 1<sup>14</sup> for establishing a new school or Schedule 2 for closing a school of the Establishment and Discontinuance Regulations. Annex B summarises the information required for closure proposals and Annex C summarises the information required for establishing a new school under the section 10 or 11 processes.

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<sup>12</sup> Under sections 10 and 11 of EIA 2006

<sup>13</sup> Under section 15 of EIA 2006

<sup>14</sup> Of the School Organisation (Establishment and Discontinuance) (England) Regulations 2013.

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 in a local newspaper and may also be published in a conspicuous place on the school premises (where any exist), such as at all of the entrances to the school.

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 out above to:

- the Secretary of State  
([schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk));
- Where the proposal is to close a special school, the parents of every registered pupil at the school;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- any other body or person that the proposer thinks is appropriate (e.g. any relevant religious authority).
- Where the proposal is for a new school under section 10 or 11 of the EIA 2006 and the LA is not the proposer, the LA which it is proposed would maintain the school.
- Where the proposal is for the closure of a maintained school, the governing body or the LA responsible for maintaining the school (as appropriate)

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

## Stage three: representation

Except where a proposal is for the closure of 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 at Annex A can be used for examples).

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 had regard for the statutory process and must consider **ALL** the views submitted during the representation period, including all support for, objections to, and comments on the proposal.

## Stage four: 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 proposals for new schools made by the LA (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.

The Schools Adjudicator will also be the decision-maker in any case where the LA does not make a decision within a period of two months of the end of the representation period. Where this happens, the LA must, within a week of the end of that two-month period, refer the case to the Schools Adjudicator.

The decision-maker 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 conditions<sup>15</sup> (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 revoking a proposal prior to a decision being made, the proposer must send written notice to the LA and the [Schools Adjudicator](#) (where applicable). A notice must also be placed on the website where the original proposals were published.

Where the LA is the decision-maker, within one week of making a determination they **MUST** publish their decision and the reasons for that 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](mailto:schoolorganisation.notifications@education.gov.uk))
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- 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](mailto: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 to refer LA decisions to the Schools Adjudicator**

For rights to refer a decision taken by the LA on establishment proposals to the Schools Adjudicator, see table on page 6. For rights to refer a decision taken by the LA on closure proposals to the Schools Adjudicator, see table on page 15.

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<sup>15</sup> As specified in regulation 16 of the Establishment and Discontinuance Regulations

Within one week of receipt of a request for a referral, a LA decision-maker must send the proposal, representations received and the minutes and papers from 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.

## **Stage five: 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](mailto: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 created and your school will be assigned a URN.

## **Modification post determination**

If it becomes necessary, due either 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 amend 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 approved.

The LA or the Schools Adjudicator (where the original proposals were decided by the Schools Adjudicator) will be the decision maker for any proposals for modifications post determination.

## **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, in order 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 website 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](#).

Within one week of publication, the proposer must send copies of the proposal to:

- The Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk))
- Any other body or person that the proposer think appropriate.

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.

## 5: Guidance for decision-makers

This section sets out the considerations that should be made by the LA or Schools Adjudicator when deciding proposals to establish or discontinue (close) a school. The decision-maker must have regard to the statutory guidance contained in this document. Proposers will wish to ensure that their proposals contain the information that the decision-maker will need in order to decide the proposal taking account of this section of the guidance.

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 be the decision-maker for LA proposals to establish a new school (and cases where the LA is involved in the trust of a proposed foundation school). The LA is the decision-maker for any proposals for a new school from other proposers.

The Schools Adjudicator will be the decision-maker in any case where the LA does not make a decision within a period of two months from the end of the representation period. Where this happens, the LA must, within a week of the end of that two month period, refer the case to the Schools Adjudicator.

In all cases, the decision-maker should be satisfied that the proposer has carried out the statutory process satisfactorily and should have due regard to all responses received during the representation period.

### Issuing a decision

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 conditions<sup>16</sup> (such as the granting of planning permission) being met.

Such decisions **must** be taken within two months of the end of the representation period, it is **not** possible for a LA to defer the decision beyond the two-month period.

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<sup>16</sup> As specified in regulation 16 of the Establishment and Discontinuance Regulations

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. It is good practice to notify any other interested parties that the proposal has been withdrawn.

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](mailto:schoolorganisation.notifications@education.gov.uk))
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- 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](mailto: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).

## Factors to consider when determining proposals

### Demand and need

When considering proposals to establish new provision, the decision-maker should be satisfied that the proposer has demonstrated demand for the provision being proposed. This should include:

- 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 good educational provision in the local area.

When determining proposals to discontinue (close) provision, 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, balanced with the need to reduce excessive surplus capacity in the system. The decision-maker should have regard for the local context in which the proposals are being made, taking into account the nature of the area, the age of the children involved and, where applicable, alternative options considered for reducing excess surplus capacity.

## 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](#).

## Proposed admission arrangements

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 community<sup>17</sup>.

## 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 between people with a protected characteristic and those without that characteristic.

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). Decision-makers should be satisfied that the proposer has shown a commitment to providing 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

The decision-maker should consider the impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Action Plan](#).

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<sup>17</sup> Under sections 90, 91, 92 and 93 of the Education Act 2002.

When considering, publishing or deciding a proposal, the proposer 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:

- Whether the school will be welcoming to pupils of any faith and none; and 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**

The decision-maker should satisfy themselves that the proposers have been taken into account accessibility planning and that the proposal will not adversely impact on disadvantaged groups.

Decision-makers should consider whether the proposal will 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. The decision-maker will need to consider the local context, for example in areas with excessive surplus places, the decision-maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options.

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 on the condition that the proposer enter into an arrangement with the Department for Education for any necessary building work.

## **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.

## **Maintained nursery schools and the presumption against closure**

Decision-makers should adopt a presumption against the closure of maintained 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 quality and 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 pre-school 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 taking account of 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.

In relation to the balance of denominational provision, 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.

Where one school has a religious character and the other does not, or has a different religious character, both proposers and decisions-makers should consider what would best meet the needs of the local community. Decision-makers should consider what impact the proposal will have on the balance of denomination provision in the area, the quality of the provision available (particularly when proposing a merger) and parental demand in the area for the different types of provision.

## **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.

## **Determining revocation proposals**

When a proposer or LA 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 relieve themselves and/or the LA of any duty to implement.

The LA will be the decision-maker for revocation proposals with the exception of cases where the original proposal was determined by the [Schools Adjudicator](#). In such cases, 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. Where the LA made the initial determination of the original proposals and the proposals were later referred to the adjudicator, the LA should determine any revocations proposals made.

The decision-maker should be satisfied that the proposer has carried out the statutory process appropriately (as set out in part 4 of this guidance) and should have regard for any responses received during the representation period.

LAs must determine a revocation proposal within two months of the end of the representation period. Where the LA has not determined the proposal by the end of the two-month period, the decision-maker must refer the decision to the Schools Adjudicator. 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](mailto:schoolorganisation.notifications@education.gov.uk))
- the governing body/proposers (as appropriate);
- the Schools Adjudicator or LA (as appropriate);
- the Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- 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).

## Determining requests to modify approved proposals

Proposers may request modifications to approved proposals or ask the body which approved the proposals to specify a later date in respect of conditional approval<sup>18</sup>. Where the Schools Adjudicator determined the original proposals, the LA must refer the case to the Schools Adjudicator within two weeks of receipt of the request from the proposers.

The decision-maker should be satisfied that the proposal does not modify the existing proposals to the extent that new proposals are substituted for those that were originally published.

Where approved proposals are modified, the LA or the Schools Adjudicator (as the case may be) must notify the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk)) within one week of the date of the proposals being modified.

Where the bodies listed below are unsatisfied with the outcome of a decision taken on a revocation, they may appeal to the Schools Adjudicator within four weeks of the publication of the decision. The Schools Adjudicator will take a fresh decision on the proposals.

- the Diocesan Board of Education for any diocese in the Church of England that is comprised in the area of the relevant authority;
- the bishop of any Roman Catholic Church in the area of the relevant authority;
- the proposers;

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<sup>18</sup> Under paragraph 21(2)(a) of Schedule 2 to the Act

- the governing body or trustees of any foundation or voluntary school which is the subject of the proposals (where relevant).

Within one week of receiving the appeal the LA must send to the adjudicator:

- any objections or comments in relation to the proposals;
- minutes of the meeting at which the revocation proposals were considered; and
- any papers considered by the LA at that meeting.

## Annex A: School closure consultations

In the case of the proposed 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 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 school<sup>19</sup>;
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group<sup>20</sup>;
- 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;

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<sup>19</sup> Under section 176 of the Education Act 2002.

<sup>20</sup> Under the DBE Measure 1991 Church of England schools must consult with their diocese before making closure proposals.

- 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.

## **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 LA 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 LA as reserved for children with special educational needs; and
- c) in the case of special schools, the alternative provision made by any LA other than the LA 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 LA 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 LA'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 LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body (as the case may be) believes 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 LA 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 school (and, if so, whether it is to have a foundation), a voluntary school (and whether it will be voluntary controlled or voluntary aided), a community or community special school, or a LA 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 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, for 16 to 19 year olds in the area, how 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 LA's Accessibility Strategy;

- (ii) access to specialist staff, both education and other professionals, including any external support or outreach services;
- (iii) access to suitable accommodation; and
- (iv) supply of suitable places.

## **Single sex school**

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

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

## **Curriculum**

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

## **Relevant experience of proposers**

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

## **Effects on standards and contributions to school improvement**

Information and supporting evidence on—

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

## **Location and costs**

A statement about -

- (a) the area or the 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 LA) 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](#)

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