

Agenda

Meeting: Executive

Venue: Remote Meeting

Date: Tuesday, 9 June 2020 at 11.00 am

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Business

1. **Minutes of the meeting held on 19 May 2020**

(Page 5 to 8)

2. **Any Declarations of Interest**

3. **Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-**

Item number on the agenda	Paragraph Number
10 – Annexes B & C	3

4. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice to Melanie Carr of Democratic and Scrutiny Services and supplied the text (*contact details below*) by midday on 4 June 2020, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);

- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

5. Publication of Statutory Notices on Removal, Alterations and Establishment of Special Need Provisions in Mainstream Schools from 1 September 2020 - Report of the Corporate Director - Children and Young People's Service

(Page 9 to 92)

Recommendations:

- i.) Approve publication of the statutory proposals and notices on 19 June 2020, to add provision for Special Educational Needs in the form of Targeted Provision (SEN Unit) at a number of Mainstream Schools, as listed in the report at paragraph 6.1(i)
- ii) Approve publication of the statutory proposals and notices on 19 June 2020, to formally remove Special Educational Needs Provisions from former Enhanced Mainstream Schools, as listed in the report at paragraph 6.1(ii)
- iii) Agree to the scheduling of a final decision on these proposals for an Executive meeting on 18 August 2020.

6. Clapham CE VC Primary School - Closure Proposal - Report of the Corporate Director - Children and Young People's Service

(Page 93 to 182)

Recommendations:

- (a) The Executive are asked to agree the required preliminary checks have been undertaken and the issues listed in paragraph 9.2 of the report have been satisfied, and that therefore the proposals can be determined.
- (b) That the following proposals 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.

7. Developer Contributions for Education - Report of the Corporate Director - Children and Young People's Service

(Page 183 to 254)

Recommendation:

To implement the revised developer contributions for education policy from 1 July 2020, using the draft policy set out in Annex 1 of the report.

8. **Verbal Update on County Council's Covid 19 Actions** – Update from the Chief Executive
9. **Forward Work Plan** (Page 255 to 266)
10. **Children and Young People's Service - Schools Condition Capital Programme 2020/21 - Report of the Corporate Director - Children and Young People's Service** (Page 267 to 283)
- Recommendations:
- To Approve:
- i. The proposed Schools Capital Programme for 2020/21 as summarised in Annex A and including the allocation to the Specialist Provision Targeted Capital Programme.
 - ii. The governance principles for the Specialist Provision Targeted Capital Programme as set out in paragraph 7.22 of the report
 - iii. The list of strategic priority / modernisation schemes as set out in Confidential Annex B
 - iv. The Planned Capital Maintenance Programme as set out in Confidential Annex C
- To agree the continuation of the approach for dealing with any schools which convert to Academy status following the approval of the Programme as laid out in paragraph 3.3 of the report.
11. **Other business which the Leader agrees should be considered as a matter of urgency because of special circumstances**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Date: 1 June 2020

Meeting Notes:

For all enquiries relating to this agenda or to register to speak at the meeting, please contact Melanie Carr, Democratic Services Officer on Tel: 01609 533849 or by e-mail at: melanie.carr1@northyorks.gov.uk

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Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

Executive Members

Name	Electoral Division	Areas of Responsibility
LES, Carl	Richmondshire Catterick Bridge	Leader of the Council Communications, safer communities and emergency planning
DADD, Gareth	Hambleton Thirsk	Deputy Leader of the Council Finance and Assets and Special Projects inc finance and HR performance management
CHANCE, David	Whitby/Mayfield cum Mulgrave	Stronger Communities - inc Legal and Democratic Services, Corporate Development, Overview and Scrutiny Committees, Area Committees, performance management
DICKINSON, Caroline	Northallerton	Public Health, Prevention and Supported Housing - inc STP issues regarding the Friarage and Darlington Hospitals
HARRISON, Michael	Lower Nidderdale and Bishop Monkton	Health and Adult Services - inc Health and Wellbeing Board, health integration and Extra Care
LEE, Andrew	Cawood and Saxton	Open to Business - inc growth, economic development, planning, waste management, trading standards and business relations
MACKENZIE, Don	Harrogate Saltergate	Access - inc highways, road and rail transport, broadband and mobile phones; and to act as the Council's Digital Infrastructure Champion
MULLIGAN, Patrick	Airedale	Education and Skills - inc early years, schools, apprenticeships, FE colleges and UTC's and engagement with the skills part of the LEP
SANDERSON, Janet	Thornton Dale and the Wold	Children and Young People's Services with responsibility for foster and adoption, children's social care and prevention
WHITE, Greg	Pickering	Customer Engagement inc Contact Centre, web site, libraries, digital and performance management (complaints and compliments)

North Yorkshire County Council

Executive

Minutes of the remote meeting held on Tuesday, 19 May 2020 commencing at 11.00 am.

County Councillor Carl Les in the Chair. County Councillors, David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Other Councillors Present: County Councillor Paul Haslam

Officers present: David Bowe, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Daniel Harry, and Melanie Carr.

There was one representative of the press in attendance.

Copies of all documents considered are in the Minute Book

439. Welcome & Apologies

County Councillor Carl Les welcomed everyone to the County Council's first lawful virtual committee meeting. Individual Executive Members went on to introduce themselves and there were no apologies given.

440. Minutes

Resolved –

That the public Minutes of the meeting held on 10 March 2020, having been printed and circulated, be taken as read and confirmed, and signed by the Chairman as a correct record.

441. Declarations of Interest

There were no declarations of interest.

442. Questions and Statements from members of the public

There were no public questions or statements.

443. Authorisation to accept Transforming Cities Fund (TCF) award funding from WYCA/DfT -

Considered –

A report of the Corporate Director - Business and Environmental Services,

County Councillor Don Mackenzie introduced the report, which set out the details of the TCF funding award and the governance and risks attached to that programme.

Andrew Bainbridge, NYCC Transport Planning Team Leader provided an overview of the successful Leeds City Region bid put forward by West Yorkshire Combined Authority. He confirmed the Region has been awarded £317m to deliver all of the schemes within the Bid's low scenario, which included a number of transformational schemes to improve access to and from rail and bus stations in the North Yorkshire area, i.e. in Craven, Selby & Harrogate.

It was noted that:

- Any funding awarded through the TCF had to be spent by 31 March 2023 - whilst it was confirmed that was achievable, the effect of the COVID-19 pandemic on that timescale was as yet unclear.
- Craven District Council and Selby District Council had both agreed their contributions – In response to a query from County Councillor Gareth Dadd, it was confirmed Harrogate Borough Council were fully dedicated to the schemes and were willing to contribute, but their exact contribution had yet to be determined.
- The delivering Authority would be liable for any overspend on its schemes – This responsibility and risk burden would be set out in detail in the relevant financial and legal agreements between the county council and the relevant district/ borough council, and there had already been some allowance for this included within the costings for each scheme.
- In the event of an overspend additional funding might be sourced from LTP Integrated Block Allocation and/or Civil Parking Enforcement (CPE) surplus. This option would be considered on a case by case basis, after all alternative options had been investigated.

Members recognised the delivery of those schemes to cost and by the deadline was essential and noted that throughout the projects any associated risks would continue to be assessed and reported on. They also noted the proposed creation of a fixed term TCF Project Manager post, to oversee the delivery of the North Yorkshire area £31.1m programme.

All Members voted in favour of the recommendations and therefore it was

Resolved – That:

- i. The report be noted.
- ii. The £31.1m funding from the Department for Transport be accepted.
- iii. The approach to funding of any overspend as set out in para 6.5 of the report be approved in principle, following review by the Programme Board and subsequent approval by the Corporate Director for Business & Environmental Services in consultation with the Corporate Director for Strategic Resources and relevant Executive Members.

444. Home to School Transport - Use of Accessible Vehicles and Provision of Transport for Non-Entitled and Post 16 Pupils -

Considered –

- 1.1 A report of the Corporate Director - Business and Environmental Services which provided feedback on the findings of an investigation undertaken in response to a legal challenge made in 2019 to the Council's approach to the provision of home to school transport for non-entitled and post 16 pupils.

County Councillor Don Mackenzie introduced the report, outlining the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) as detailed in the report., and confirmed the County Council already provided bespoke transport for SEND pupils.

Ian Fielding, Assistant Director for Transport, Waste & Countryside Services highlighted the salient points of the report, which confirmed:

- PSVAR applied to home to school transport provided using vehicles with over 22 seats - It was noted that from January 2020 the Government had offered some further exemptions for home to school services carrying fewer than 20% of fare paying passengers, which would apply until December 2021 with the potential of a further extension up to December 2023.
- Most vehicles used by the Council for mainstream home to school transport were not currently accessible, and there was no specific legal obligation for all vehicles used for home to school transport to be so. However, the Council always provided where necessary a suitable vehicle that enabled entitled pupils with mobility needs to be transported in safety and comfort.
- The additional annual cost of providing PSVAR compliant coaches across the whole of North Yorkshire for all home to school transport services requiring over 22 seats, would be in excess of £2.7m.
- The number of non-entitled and post 16 pupils currently using spare seats on home to school services, and those travelling on commercial services.

Barry Khan, Assistant Chief Executive (Legal & Democratic Services) highlighted two areas of the law for the Executive's consideration i.e.:

- The Public Service Vehicle Accessibility Regulations 2000 which states that all vehicles with over 22 seats should be accessible and have a conformity certificate when they are being used as a something called a 'regulated public service vehicle'. The certificate deals with wheelchair accessibility requirements, specification for seats, steps, floors and handrails of the vehicle, and;
- The Equalities Act of 2010, specifically the County Council's duties under Sections 149 and 29 which requires the Executive as the decision taker to have due regard to the need to eliminate discrimination, harassment, victimisation and other discriminatory conduct, and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. – Members attention was also drawn to the Equalities Impact Assessment attached as an appendix to the report.

Ian Fielding went on to outline the four options that had been considered, which had led to option 4 being identified as the preferred option i.e. to charge for the use of spare seats where it is lawful to do so, but to allow other spare seats to be used for free up to the end of the 2020/21 academic year, and only to pupils already travelling.

Having considered all of the options and the public consultation feedback on the preferred option 4 Members considered the resulting proposals detailed in paragraphs 9.2 & 9.3 of the report, to be effective from the start of the 2020/21 academic year.

County Councillor Patrick Mulligan confirmed his view that option 4 was an appropriate short

term response taking advantage of the temporary additional Government exemptions. County Councillor Gareth Dadd agreed but expressed concern that in the longer term there could be a significant financial impact to the Council in regard to Home to School transport which in turn could have a detrimental impact on some families.

Overall, Members agreed the proposed way forward was a pragmatic approach at this stage and thanked officers for their excellent report on a very complex situation

All Members voted in favour of the recommendations and therefore it was

Resolved – That:

- i. The charges for non-entitled and post 16 pupils detailed in Section 9 of the report be reintroduced with effect from the beginning of the 2020/21 academic year
- ii. The Council welcomed applications for the use of spare seats from non-entitled and post 16 pupils with mobility needs, with all reasonable adjustments being made to accommodate each request. Each case to be assessed on its merits and to be subject to the Council's normal non-statutory appeals process.

445. Forward Work Plan

The Forward Plan for the period from 13 May 2020 to 31 May 2021 was noted.

The meeting concluded at 12:09pm
MLC

NORTH YORKSHIRE COUNTY COUNCIL**THE EXECUTIVE****9 June 2020****PROPOSALS TO ADD PROVISION FOR SPECIAL EDUCATIONAL NEEDS IN THE FORM OF TARGETED PROVISION AT MAINSTREAM SCHOOLS AND TO FORMALLY REMOVE SPECIAL EDUCATIONAL NEEDS PROVISION FROM FORMER ENHANCED MAINSTREAM SCHOOLS**

Report by the Corporate Director- Children and Young People's Service

1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to make a decision on whether to publish statutory proposals and notices to add provision for Special Educational Needs in the form of Targeted Provision at Mainstream Schools and to formally remove Special Educational Needs Provisions from former Enhanced Mainstream Schools.
- 1.2 This is in order to implement the new model of Targeted Mainstream Provision as set out and approved within the SEND Strategic Plan for Education Provision 2018-23.

2 EXECUTIVE SUMMARY

- 2.1 The County Council's SEND Strategy, approved in September 2018, sets out the future changes to the model of targeted SEN provision in mainstream schools which will start to be implemented from September 2020. Public consultation on the first phase of targeted mainstream provisions was undertaken between 6 February and 15 March 2020. The feedback from this consultation was reported to the Executive on 31 March 2020, and the Chief Executive, under his emergency delegated powers and in consultation with Executive Members, approved public consultation on school organisation proposals to:
- (i) add provision for Special Educational Needs by providing Special Resourced provision in the form of Targeted Provisions at Mainstream Schools
 - (ii) remove provision for Special Educational Needs at former Enhanced Mainstream Schools.
- 2.2 The school organisation consultation is specific to the technical issue of mainstream schools maintaining, adding or removing Special Educational Needs Provision as set out by the Department for Education. Stakeholders were asked to provide views on the SEN provision of those schools affected in light of the LA's intentions to commission SEN provision differently from September 2020.
- 2.3 Having consulted extensively on the changes to the delivery model of SEN provision prior to the approval of the Strategic Plan, and specifically on the detail of the delivery model between 6 February and 15 March 2020, the intention of this consultation was not to seek further views on the model itself.
- 2.4 The first phase of implementation will begin from September 2020 with 9 schools creating 72 full time school places for children with SEN.

- 2.5 The previous model of Enhanced Mainstream Schools will cease from 31st August 2020 with those schools choosing not to deliver the new model being decommissioned for the purposes of SEN support. The outreach element of support will be undertaken by SEND specialist hub teams in each locality so that provision is maintained for children and families requiring support in school.
- 2.6 This consultation commenced on 27 April and was open for a period of 4 weeks closing on 22 May 2020.

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for making changes to maintained schools. These are detailed in School Organisation regulations and guidance¹. The regulations and guidance apply to Local Authorities and governing bodies proposing to make changes to schools, and to Local Authorities (including the County Council's Executive or Executive Members) acting as decision-makers.
- 3.2 In September 2018 the local authority launched its SEND Strategy, an ambitious 5-year strategy that will transform the range of educational provision across the local authority for young people with SEND. The approved strategy clearly explains the future changes to the model of Enhanced Mainstream Schools which will start to be implemented from September 2020. The new model of provision was consulted on between 6th February and 15th March 2020.
- 3.3 During 2019 the local authority has engaged with primary and secondary schools regarding the new model to identify schools with interest in adopting targeted provision from September 2020. The local authority has proposed the introduction of 31 targeted mainstream provisions when the programme is fully established. The focus for each provision will be either Communication and Interaction (C&I) or Social and Emotional Mental Health (SEMH)
- 3.4 Public consultation on the first phase of targeted mainstream provisions was undertaken between 6 February and 15 March 2020. The feedback from this consultation was reported to the Executive on 31 March 2020, and in response to this, the Chief Executive, under his emergency delegated powers and in consultation with Executive Members, approved public consultation on school organisation proposals to:
- (i) add provision for Special Educational Needs by providing Special Resourced provision in the form of Targeted Provisions at Mainstream Schools.
 - (ii) remove provision for Special Educational Needs at former Enhanced Mainstream Schools.
- 3.4 The school organisation consultation is specific to the technical issue of adding and removing provision for SEN at specific mainstream schools. Stakeholders were asked to provide views on these proposals in light of the County Council's intentions to commission SEN provision differently from September 2020. Having consulted extensively on the changes to the delivery model of SEN provision prior to the approval of the Strategic Plan, and specifically on the detail of the delivery model between 6 February and 15 March 2020, the intention of the latest consultation was not to seek further views on the model itself.
- 3.5 The first phase of implementation will begin from September 2020 with 9 schools creating

¹ School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers (October 2018).

72 full time school places for children with SEN. This will be in addition to the implementation of SEND Hubs to continue the delivery of outreach support and phasing in a further 22 Targeted Provision over the next 3 years.

- 3.6 It is intended that the previous model of Enhanced Mainstream Schools will cease from 31st August 2020 with those schools choosing not to deliver the new model no longer being commissioned by the Local Authority to support pupils with SEN. The outreach element of support will be undertaken by SEND specialist hub teams in each locality so that provision is maintained for children and families requiring support in school.
- 3.7 For those schools no longer being commissioned by the LA to deliver SEN provision the proposals are to formally remove their designation of having provision at those schools reserved for pupils with SEN.
- 3.8 Likewise for those schools who have been identified to deliver the new model of provision the proposals are to formally add provision reserved for pupils with SEN. These proposals are essential so that all of the schools identified on 31 March 2020 to deliver the new model are formally designated as such.

4 CONSULTATION UNDERTAKEN

- 4.1 Consultation documents (Appendix 1) were distributed to the lists of consultees (Appendix 2). The documents were also circulated to both the schools directly related to the proposals and also more widely to all North Yorkshire Schools via email on 27 March.
- 4.2 Due to the COVID 19 Pandemic it was not possible to hold face to face public meetings. However, to replace this the Local Authority organised virtual public meetings where consultees were able to view and listen to a presentation on the proposals online and then ask any questions that they may have. This was carried out using Skype for Business and allowed consultees to speak directly to the officers who were working on the proposal. A records of the meetings are attached as Appendix 3.
- 4.3 By the closing date 59 consultation responses had been received.

5.0 RESPONSES TO THE CONSULTATION AND OTHER KEY ISSUES

Summary of Responses Across All Proposals

- 5.1 The consultation period ran from 27 April 2020 to 22 May 2020. Consultation documents were distributed to a range of stakeholders (Appendix 2) including Head Teachers, Governors, Parents and Carers and Elected Members of the County Council. The consultation documents (Appendix 1) and responses to the consultation (Appendix 4) are included in the appendices.
- 5.2 There were 59 responses to the survey in relation to specific schools. The largest number of responses (78%) were from the Craven locality and in relation to three affected schools. Greatwood School accounted for 24 responses, Emsay C of E School 13 and Upper Wharfedale School 9. These schools are all subject to the proposal to remove SEN Provision as they have chosen not to deliver the Targeted Provision Model. The vast majority of comments were related to the previous consultation concerning the delivery model rather the issue of designation of each school. The decision makers took these responses into consideration when making those decisions.
- 5.3 The remaining 12% of respondents were split across four schools. There were two responses in relation to Barrowcliff School, three in relation to Barwic Parade, five in

relation to Hambleton and Richmondshire Pupil Referral Services (PRS) and three in relation to Bedale High School.

- 5.4 Where the proposal is to formally remove SEN provision from schools, respondents' comments were largely in support of the current model of EMS rather than the specific issue of maintaining or ceasing SEN provision. There were no responses that provided reasons for any of these schools to maintain their Special Provision without a commission from the LA to deliver SEN support.
- 5.5 Only one school proposed to add SEN provision to their designation received responses, Hambleton and Richmondshire PRS, and these were unanimously positive in relation to their ability to provide support. Again this would not necessitate the LA to change its proposal.

Responses to Specific Proposals and Local Authority Response

- 5.6 Greatwood Community Primary School
The responses to the online survey in relation to Greatwood were largely from school staff with some submissions from parents and governors. The comments provided were complimentary of the current EMS provision, particularly the outreach support through advice and guidance to other schools and its impact. The LA recognise the importance of the outreach support function and have developed specialist locality teams to deliver this function across all localities from September 2020.
- 5.7 There were two comments regarding the legality of the consultation taking place during the Covid 19 pandemic. Before proceeding with the consultation legal advice was sought and concluded that there was no reference within the Coronavirus Act, and subsequent Regulations and related Government Guidance which prevented the consultation continuing. Therefore we made the decision to proceed making reasonable adjustments to aid public engagement and to ensure that the consultation was fair given the public health restrictions. Changes were made to ensure that there were opportunities for all stakeholders to attend online public meetings. These meeting consisted of a presentation as well as time made available to ask LA officers questions and make comment on the proposals as would have been the case with a face to face meeting.
- 5.8 Embsay C of E Primary School
Similarly to Greatwood CP School, a number of comments were received from a range of stakeholders. The comments were positive in relation to the outreach support offered by the school presently.
- 5.9 Concerns were raised in relation to a perceived lack of support in the future. The LA, as stated, has previously consulted on the proposals for how outreach and inreach support will be delivered in the future. Craven will continue to have outreach support available to all schools through specialist locality hubs. The LA have also set out proposals to deliver full time places for children with SEND in the Craven locality. We will continue to work with, and encourage, schools to work in partnership with us to ensure that in future phases this support is available to children and families in Craven.
- 5.10 Upper Wharfedale School
Responses received in relation to Upper Wharfedale highlighted concerns with regards to the rural nature of Craven and the impact this might have on outreach support. As with other schools the comments were positive in relation to the support and expertise provided currently.

- 5.11 It should be noted that Upper Wharfedale chose to cease EMS delivery in 2017. Since then the support referenced has been delivered directly by the LA and would demonstrate how an outreach support offer can be delivered from the locality hubs moving forward.
- 5.12 Barrowcliff Community Primary School
The two comments relating to Barrowcliff CP School expressed concern for the levels of support available within the Scarborough locality. It should be noted that the LA expected EMS delivery to continue until August 2020. At the request of the school, the EMS provision by delivered by Barrowcliff was ceased earlier than originally planned in January 2020. The LA have made interim arrangements for those children requiring provision through exclusion and outreach support. This offer will be further strengthened when the locality hubs are implemented in September 2020.
- 5.13 Barwic Parade Community Primary School
Comments provided were in praise of the current outreach support offer delivered by the school. This support will continue to be delivered through the Selby Locality Hub Team in the future as the LA recognises the benefits of outreach support. There were no comments relevant to the proposal to cease the SEN designation of the school in light of the LA and School's decision to no longer commission.
- 5.14 Hambleton and Richmondshire PRS at Thirsk School
The comments returned were supportive of the proposal to implement the new provision using this partnership arrangement. Secondary schools and the PRS have worked well to develop a creative solution to delivering these more specialist places within mainstream schools and it will be a positive addition to the support available. The previous EMS model did not provide SEMH provision for Secondary age pupils and this will assist in filling the gap between mainstream and special school.
- 5.15 Bedale High School
There were three comments received in relation to Bedale School. These comments highlighted the needs of the local community and the support currently received. It should be noted that Bedale High School chose to cease EMS delivery in 2016/17 and therefore reference to support appears to be that of the school from within its own resources. Proceeding with the ceasing of SEND designation will be in line with the decision taken by the school to no longer deliver specialist support.

6 PROPOSAL

6.1 North Yorkshire County Council proposes:

(i) To publish statutory proposals and notices to add provision for Special Educational Needs in the form of Targeted Provision at the following Mainstream Schools;

- | | |
|-----------------------------------|------------------------|
| • Alverton Primary School | • Grove Road CP School |
| • Hambleton and Richmondshire PRS | • Scarborough PRS |
| • Selby High School | • Wensleydale School |

(ii) To publish statutory proposals and notices to formally remove Special Educational Needs Provisions from former Enhanced Mainstream Schools:

- | | |
|----------------------------|--------------------------------|
| • Barrowcliff CP School | • Thorpe Willoughby CP School |
| • Lady Lumley's School | • Barwic Parade CP School |
| • Malton CP School | • Mill Hill CP School |
| • Kirkbymoorside CP School | • Bedale High School |
| • Greatwood CP School | • Bedale C of E Primary School |

- Embsay c of E Primary School
- King James School
- Thirsk Community Primary School
- Upper Wharfedale School

6.2 The full details of the proposals can be seen attached as Appendix 7.

6.3 It is proposed to publish statutory proposals and notices on 19 June which would provide 4 weeks until 17 July for objections and comments to be made

7 FINANCIAL IMPLICATIONS

REVENUE

7.1 The financial model for this service has been based on the following assumptions:

- The new service will operate with 8 place provisions with each provision attracting planned place funding of £6,000 plus per pupil funding allocations where pupils are on roll in the unit, or £4,000 where places are empty at the point of the October census. This guarantees resources of circa £10,000 per place – in line with Special school funding arrangements
- Schools will receive “top-up funding” allocations in line with the assessment of need defined in the individual pupils EHCP using the banded funding methodology, introduced in April 2019.
- It is assumed that the “top-up funding” allocations are expenditure that the authority would have incurred regardless of this development because the EHCPs are already in place and funds would follow the child whatever setting / provision they are educated in
- Start-up costs up to a maximum of £10,000 earmarked for each new provision to cover learning resources, IT Revenue costs and a provision for staff learning and development

7.2 The following table details the potential implications for the next three financial years of these developments and provides reassurance that the developments can be afforded within existing budget resources (as evidenced in the figures for the 2023-24 financial year).

7.3 In addition, the surplus derived in 2020-21 and 2021-22 has been partly redirected to mitigate the key risks

Table 1 - Adjusted Base Budget

	£000s
Base Budget – EMS – 2020-21	2991.3
Transfer to Medical Budget for education of children with medical needs	-203.7
Transfer to Inclusion SEND Hubs	-200.0
Funding of specialist therapeutic support	-486.0
Adjusted base budget	2101.6

Table 2 - Assessment of Affordability of new service model

	Fin Year 2020-21 (£000s)	Fin Year 2021-22 (£000s)	Fin Year 2022-23 (£000s)	Fin Year 2023-24 (£000s)
Adjusted Base Budget	2101.6	2101.6	2101.6	2101.6
EMS – Summer 2020	1161.5			
Medical Transfer – Summer 2020	84.9			
Place Funding (assumed to start from Jan 2021)	135.0	999.7	1652.3	1884.0
Top-up Funding	78.9	589.4	1144.3	1400.7
Less E3 Funding – already budgeted	-78.9	-589.4	-1144.3	-1400.7
AWPU Funding	38.7	285.7	553.7	678.3
Less AWPU provision in budget			-379.2	-508.1
Start-up costs	90.0	120.0	90.0	
Provision contingency	250.0	250.0		
Severance Contingency	250.0			
(Saving) / Cost	(91.5)	(446.2)	(184.8)	-(47.4)

- 7.4 Following the establishment of the new provision, costs associated with start-up will not continue. Recurring direct savings of up to £48,000 are anticipated by 2023-24 although the strategic intent behind the development of the targeted provisions is to avoid expensive independent and non-maintained special schools by ensuring there is effective, high quality provision within mainstream schools.
- 7.5 There are the following identified risks to delivering the new service model within existing budget resources:
- (a) Adequacy of funding allocations for host schools - assuming that pupils have Band 6 and Band 7 placements, the individual 8 place provisions will receive a budget of circa £125,000 per annum. The provisions will be financially vulnerable if some places are unoccupied or if the needs of pupils are at a lower funding band – but there will be an expectation that host schools are agile in their deployment of staff to balance the budget

- (b) Short-term provision gap – there will be particular requirements for support to primary pupils beyond day 6 of a permanent exclusion in the period between the EMS Units being decommissioned and the roll-out of the targeted provisions. A provision of £250,000 has been set aside to mitigate this risk through appropriate provision in Year 1 and Year 2

The modelling assumes the development of further provision from September 2021 and September 2022; the modelling will be updated to reflect actual commissioning arrangements following consultation, and the operational dates for Phase 2 could be dependent upon Covid-19 implications.

CAPITAL

- 7.6 Capital investment will be required to ensure that the spaces identified for the targeted provisions are fit for purpose. The initial nine schools have identified some of their needs within their bids to host the new targeted provision.
- 7.7 It is anticipated, from the information provided by schools applying, that costs of works at those schools needing to adapt or create additional space would be between £20,000 and £40,000. Further work is now being conducted to verify these costs with each school subject to approval from Executive.
- 7.8 The local authority has £232,558 of Special Provision Capital Funding (SPCF) which was approved by members to contribute to the delivery of this aspect of the Strategic Plan. This resource can be used for both academies and maintained schools. However, there is a risk that works required to establish all nine provisions exceeds the SPCF amount.
- 7.9 In order to mitigate this risk, consideration is being given to utilising some School Conditions Grant funding to provide a contingency should the SPCF not be entirely sufficient. As part of the conditions of the School Condition Grant, it will not be used for Academies and therefore alternative sources of funding for this will need to be explored.
- 7.10 Capital investment requirements for the subsequent 22 targeted provisions have not been developed at this stage, as work with individual schools is less advanced. The overall programme will be closely monitored and a subsequent paper, linking into the comprehensive SEN Capital Review, will be brought forward to address issues around funding sources and requirements for this phase of developments.

8 LEGAL IMPLICATIONS

- 8.1 REGULATIONS AND GUIDANCE - The consideration and determination of school organisation proposals by the Local Authority is set out in Education & Inspections Act 2006, regulations and in guidance produced by the Department for Education.² Careful regard has been had to these provisions.

9 HUMAN RIGHTS IMPLICATIONS

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

10 OTHER IMPLICATIONS

² See footnote 1.

- 10.1 An Equality Impact Assessment has been undertaken and reviewed in respect of these proposals and is attached at Appendix 5. The new targeted provision will provide an increased opportunity for children and young people with EHCPs to remain in mainstream school. Outreach support will continue as usual but will be delivered by the staff in the SEND Hubs to allow the targeted provision to focus on place based provision. Schools, children and young people will have access to a wider range of professionals to meet need including therapists, specialist staff and practitioners. All localities will have access to a SEND Hub and be able to access its offer of support. The hubs also provide the opportunity for greater collaboration with health and early help colleagues ensuring a joined up approach to meeting the holistic needs of the child and family.

11 NEXT STEPS

- 11.1 It is proposed to publish the statutory notice and proposals on 19 June 2020 – see Appendices 6 & 7. The proposals would be published on the County Council’s website and the statutory notice would be published in a local newspaper and displayed at the main entrance to the schools. These would provide four weeks for representations to be made to the Local Authority, by 17 July 2020. In the context of the COVID 19 Pandemic the Local Authority would also take additional steps to provide consultees with access to the details of the proposal.
- 11.2 The Executive agreed a model for decision-making on school organisation proposals on 25 September 2007. If approval is given to publish statutory proposals and notices, it is proposed that a final decision on these proposals is taken by the Executive on 18 August 2020.

12 RECOMMENDATIONS

- 12.1 The Executive are recommended to approve:
- i.) Publication of the statutory proposals and notices on 19 June 2020, to add provision for Special Educational Needs in the form of Targeted Provision (SEN Unit) at the following Mainstream Schools:
- | | |
|-------------------------------|----------------------|
| Alverton Primary School | Grove Road CP School |
| Hambleton & Richmondshire PRS | Scarborough PRS |
| Selby High School | Wensleydale School |
- ii) Publication of the statutory proposals and notices on 19 June 2020, to formally remove Special Educational Needs Provisions from former Enhanced Mainstream Schools
- | | |
|---------------------------------|------------------------------|
| Barrowcliff CP School | Lady Lumley’s School |
| Malton CP School | Kirkbymoorside CP School |
| Greatwood CP School | Embsay c of E Primary School |
| King James School | Thorpe Willoughby CP School |
| Barwic Parade CP School | Mill Hill CP School |
| Bedale High School | Bedale C of E Primary School |
| Thirsk Community Primary School | Upper Wharfedale School |
- iii) The scheduling of a final decision on these proposals for an Executive meeting on 18 August 2020.

Report prepared by Chris Reynolds, SEND Provision and Resource Manager and Matt George, Strategic Planning Officer.

List of Appendices:

- Appendix 1: Published consultation documents
- Appendix 2: List of consultees
- Appendix 3: Notes of the public consultation meetings with presentation
- Appendix 4: Responses to the consultation documents
- Appendix 5: Equality Impact Assessments
- Appendix 6: Draft Statutory notice
- Appendix 7A/B: Draft Statutory proposals

Background documents

SEND Strategic Plan for Educational Provision 2018
Report to Executive, 31 March 2020

Consultation on the of Establishment of Targeted Mainstream Provision for Children and Young People with SEND at Selby High School

Purpose of this Consultation Document:

This document is to explain the proposal by the Local Authority to Establish Targeted Mainstream Provision for Children and Young People with SEND delivered by Selby High School.

On 31st March 2020 the County Council's Chief Executive Officer, under his emergency delegated powers and in consultation with Executive Members, considered the response to the consultation on the implementation of providing SEN provision in Mainstream Schools in the form of Targeted Provisions. He also approved as part of this implementation, public consultation on school organisation proposals to:

- (i) add provision for Special Educational Needs by providing Special Resourced provision in the form of Targeted Provisions at Mainstream Schools
- (ii) Remove provision for Special Educational Needs at former Enhanced Mainstream Schools

Following discussions with the Governors and Headteacher Selby High School has been selected to deliver a Targeted Mainstream Provision. The Local Authority is now asking for your views on this proposal as part of the statutory process which is required before alterations of these kind are made to maintained schools.

What will the Target Mainstream Provision look like?

Schools have the flexibility to refine their model of delivery but in general the new provision will:

- Provide 8 full time places for 6 children and young people with an Education, Health and Care Plan and 2 'flexible' places for children needing to access the provision for short term assessment and support.
- Specialise in meeting the needs of children and young people with Social, Emotional and Mental Health.
- Have access to a range of therapies and training opportunities to ensure children are fully supported
- Increase the opportunities for children and young people with SEND to access mainstream education together with more specialised small group interventions and support

- Be funded on a 'place' basis similar to special schools and in line with national guidance. They will receive £10,000 per place and top up funding in accordance with our Banding system. We expect the top up funding to be between £4,780 to £7,570 per place (banding levels as of 2019/2020 financial year)

Background to the Proposal

North Yorkshire County Council has a duty to keep its special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

We want all children and young people with SEND in North Yorkshire to;

- have the best educational opportunities so that they achieve the best outcomes;
- be able to attend a school or provision locally, where they can make friends and be part of their local community; and
- make progress with learning, have good social and emotional health and be prepared for a fulfilling adult life.

We know that there are more children and young people being identified as having special educational needs in North Yorkshire and we expect this increase to continue. We need to make sure that we have the right type of education provision in the right place to meet their needs. We know that a number of our children and young people have to go to school outside North Yorkshire, and we want to avoid this wherever possible.

We have developed a strategic plan for educating children with SEND which aims to create a better offer of provision for children and young people, improved communication, enable more local decision making, and reduce costly out of county placements. This plan was approved in September 2018 and the proposal to implement the Targeted Mainstreams Provisions were the approved on 31 March 2020. We are now implementing the actions within it and one of these actions requires us to alter the designation to include an SEN Unit of those schools involved.

This document explains the proposal that we are consulting on with regard to the individual school in question. The full strategic plan document is here www.northyorks.gov.uk/sendplan so that you can see where this aspect of provision fits within the wide range of provisions established or being developed. We recommend that you read this documents before responding to the survey and giving us your views on the individual proposal.

How are we consulting?

We have already carried out a consultation exercise on the SEND Strategic Plan from 18th May 2018 to 28th June 2018 and then subsequently from 6th February 2020 to 15th March 2020 on the specific issue of establishing Targeted Mainstream provisions. These current school organisation proposals are purely about the establishment of a Targeted Provisions and discontinuation of Enhanced Mainstream Provision at specific schools. We are inviting stakeholders to share their views on these school organisation proposals.

We are asking you to give your views on the school organisation proposals via an on line survey on the County Council's Website www.northyorks.gov.uk/SENDSurvey. If you would like a paper copy of the survey or an alternative format, please call our customer service centre on 01609 780 780. We are also holding engagement events on line for stakeholders to offer views and ask any questions they may have regarding the proposal.

Due to the nature of the Covid 19 pandemic our usually practice of physically hosting meetings in localities for stakeholders to attend is not possible. Therefore, to ensure that stakeholders do have an opportunity to listen to a presentation on the proposals and to ask questions we will be holding online consultation meetings focused on each geographical area.

To assist in responding to the consultation, stakeholders are invited to engage in the online Selby Locality Meeting on 6th May at 5.30pm. In order to access one of these events please email sen@northyorks.gov.uk stating your name and which event you wish to attend no later than 12noon, Tuesday 5th May. You will then receive an email invite and link to access the engagement session via Skype.

What is the timescale?

The closing date for responses is 22 May 2020. All responses to the consultation received by this date will be considered by our Executive on 9 June 2020. If the County Council's Executive decides to proceed with the proposal, then statutory notices would be published in the local press on 19 June 2020. These notices provide a further four weeks for representations to be made. A final decision would then be made by our Executive on 18 August 2020.

Information about our equalities impact assessment

We have carried out an equalities impact assessment (EIA) which can be found here <https://www.northyorks.gov.uk/sites/default/files/fileroot/Children%20and%20families/SEND%20-%20local%20offer/EMS%20EIA%20reviewed%20Appendix%203.pdf>. We will update this following comments received during the consultation and councillors will consider it again before they make a decision on implementing the proposal. The EIA has

identified that there will be an impact on young people with SEND and if changes are made to current SEND education services, we will offer support to families to adapt to those changes.

We anticipate that, if the proposal is implemented, it may bring positive impacts to young people and their families, particularly by enabling more young people with SEND to be educated in their own community and achieve better outcomes. We anticipate that with more local provision children and young people with SEND will have more opportunities to attend a local school that is closer to home and will help them achieve better educational and social outcomes.

Consultation on the of Removal of Enhanced Mainstream Provision for Children and Young People with SEND at Mill Hill Community Primary School

Purpose of this Consultation Document:

This document is to explain the proposal by the Local Authority to Remove Enhanced Mainstream Provision from Mill Hill Community Primary School.

On 31st March 2020 the County Council's Chief Executive Officer, under his emergency delegated powers and in consultation with Executive Members, considered the response to the consultation on the implementation of providing SEN provision in Mainstream Schools in the form of Targeted Provisions. He also approved as part of this implementation, public consultation on school organisation proposals to:

- (i) add provision for Special Educational Needs by providing Special Resourced provision in the form of Targeted Provisions at Mainstream Schools
- (ii) Remove provision for Special Educational Needs at former Enhanced Mainstream Schools

Following discussions with the Governors and Headteacher Mill Hill Community Primary School will not host a Targeted Mainstream Provision and will therefore no longer require the Special Provision designation associated with the School as a former Enhance Mainstream School. The Local Authority is now asking for your views on this proposal as part of the statutory process which is required before alterations of these kind are made to maintained schools.

Background to the Proposal

North Yorkshire County Council has a duty to keep its special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

We want all children and young people with SEND in North Yorkshire to;

- have the best educational opportunities so that they achieve the best outcomes;
- be able to attend a school or provision locally, where they can make friends and be part of their local community; and
- make progress with learning, have good social and emotional health and be prepared for a fulfilling adult life.

We know that there are more children and young people being identified as having special educational needs in North Yorkshire and we expect this increase to continue. We need to make sure that we have the right type of education provision in the right place to meet their needs. We know that a number of our children and young people have to go to school outside North Yorkshire, and we want to avoid this wherever possible.

We have developed a strategic plan for educating children with SEND which aims to create a better offer of provision for children and young people, improved communication, enable more local decision making, and reduce costly out of county placements. This plan was approved in September 2018 and the proposal to implement the Targeted Mainstreams Provisions were approved on 31 March 2020. We are now implementing the actions within it and one of these actions requires us to alter the designation to include an SEN Unit of those schools involved and remove the designations from schools no longer offering Special Provision.

This document explains the proposal that we are consulting on with regard to the individual school in question. The full strategic plan document is here www.northyorks.gov.uk/sendplan and so that you can see where this aspect of provision fits within the wide range of provisions established or being developed. We recommend that you read these documents before responding to the survey and giving us your views on the individual proposal.

How are we consulting?

We have already carried out a consultation exercise on the SEND Strategic Plan from 18th May 2018 to 28th June 2018 and then subsequently from 6th February 2020 to 15th March 2020 on the specific issue of establishing Targeted Mainstream provisions. These current school organisation proposals are purely about the establishment of a Targeted Provisions and discontinuation of Enhanced Mainstream Provision at specific schools. We are inviting stakeholders to share their views on these school organisation proposals.

We are asking you to give your views on the school organisation proposals via an on line survey on the County Council's Website www.northyorks.gov.uk/SENDSurvey. If you would like a paper copy of the survey or an alternative format, please call our customer service centre on 01609 780 780. We are also holding engagement events on line for stakeholders to offer views and ask any questions they may have regarding the proposal.

Due to the nature of the Covid 19 pandemic our usual practice of physically hosting meetings in localities for stakeholders to attend is not possible. Therefore, to ensure that stakeholders do have an opportunity to listen to a presentation on the proposals and to ask questions we will be holding online consultation meetings focused on each geographical area.

To assist in responding to the consultation, stakeholders are invited to engage in the online Hambleton and Richmondshire Locality Meeting on 11th May at 5.30pm. In order to access

one of these events please email sen@northyorks.gov.uk stating your name and which event you wish to attend no later than 12noon, Tuesday 5th May. You will then receive an email invite and link to access the engagement session via Skype.

What is the timescale?

The closing date for responses is 22 May 2020. All responses to the consultation received by this date will be considered by our Executive on 9 June 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 19 June 2020. These notices provide a further four weeks for representations to be made. A final decision would then be made by our Executive on 18 August 2020.

Information about our equalities impact assessment

We have carried out an equalities impact assessment (EIA) which can be found here <https://www.northyorks.gov.uk/sites/default/files/fileroot/Children%20and%20families/SEND%20-%20local%20offer/EMS%20EIA%20reviewed%20Appendix%203.pdf>. We will update this following comments received during the consultation and councillors will consider it again before they make a decision on implementing the proposal. The EIA has identified that there will be an impact on young people with SEND and if changes are made to current SEND education services, we will offer support to families to adapt to those changes.

We anticipate that, if the proposal is implemented, it may bring positive impacts to young people and their families, particularly by enabling more young people with SEND to be educated in their own community and achieve better outcomes. We anticipate that with more local provision children and young people with SEND will have more opportunities to attend a local school that is closer to home and will help them achieve better educational and social outcomes.

List of Consultees

Head Teachers and Governors of schools named in proposals

Head Teachers and Governors of all North Yorkshire Schools.

Staff

Parents

All County Councillors

Dioceses

Unions and professional associations

Parent Carer Voice

School Organisation Consultation

Implementation of Targeted Mainstream Provisions

27th April -22nd May 2020

Chris Reynolds

SEND Provision and Resources Manager



Strategic Plan for SEND Provision

- Approved in Sept 2018
- Reshaping provision across Universal, Targeted and Specialist Provision
- Focus upon local provision development and greater range
- Key area of development is maintaining a robust outreach support offer whilst developing more full time places for children with SEND in mainstream schools

SEND in North Yorkshire

Our latest data tells us:

- There are a little over 160000 children and young people aged 0-25 in North Yorkshire
- Around 1.9% of these children and young people have Education, Health and Care Plans-just over 3000
- 10.9% of our school population is at SEN Support and 2.5% have EHCPs-the number of children and young people in each group is rising
- There are over 1100 more children and young people with EHCPs now than at the beginning of 2016
- The increase has been greatest in the areas of communication and interaction (particularly Autism) and social, emotional and mental health. Together these needs accounted for over 77% of the increase

Previous consultation

We have carried out public consultation on the model of provision in two phases:

- Firstly, between 18 May 2018 to 28 June 2018 as part the development of our Strategic Plan
- Subsequently, from 6 February 2020 to 15 March 2020 providing more detail on the specific model

On 31st March Executive Members and the Chief Executive Officer approved the delivery model and this school organisation consultation.

School Organisation Consultation

In order to add an SEN provision to a specific school the Department for Education require us to seek the views of stakeholders of each specific school. We are providing information and seeking views via:

- Our website
- Social Media
- Targeted communication with Schools, Parents, governors and elected members
- Online engagement meetings
- Online survey

In order to assist stakeholders in considering the proposals we are providing a range of information. However, this consultation is seeking views specifically on **adding, removing or changing the SEN designation of the individual schools involved.**

We are no longer seeking views on the delivery model as this has already been consulted on



School Organisation Key Steps and Timeline

- **31st March:** Formal process commenced and this 4 week Consultation was approved by Chief Executive and Executive Members.
- There are two more key decisions for the Local Authority regarding each school before any implementation would take place.
- **First Decision:** 9th June by Executive to consider the responses to the consultation and decide whether to proceed by publishing statutory proposal for each school. This would provide a further 4 weeks during which representations can be made in support of or against each proposal.
- **Second Decision:** 18th August by the Executive to make the final decision to approve the proposal for each school.
- **Projected Implementation Date:** 1st September.

Why are we making these changes

Provide more local provision for children and families

We have a growing population of children with SEND particularly those with SEMH and C&I needs

Gap in provision between Mainstream and Special

High numbers of young people accessing high cost independent provision due to special school capacity

Strategic Plan sets out our intention to create 31 Targeted Mainstream Provisions with 248 full time places

In the first phase we are seeking views on the establishment of the first 9 schools

What will Targeted Mainstream Provision look like?

- First provisions will begin implementation from September 2020 and delivery from Jan 2021
- In phase 1 we are looking to establish 72 full time places
- Around 8 full time places per school
- Typically 6 young people with an EHCP and 2 flexible places
- NYCC will provide additional EP time and therapies as well as CPD for school staff in addition to financial resource
- Offer bespoke timetables that allow access to mainstream curriculum and additional support and therapies
- All provisions will have enhanced access to Occupational Therapy, Speech and Language Therapy and Educational Psychology

Schools delivering Targeted Provisions will be allocated additional funding

A typical example of funding would be:

Worked example of 8 place at capacity:

(6 named within EHCP and 2 flexible places)

8 x £10,000 = £80,000 (£6k HNB + AWPU after census)

4 x £7,570 = £30,280 (Top up Band 7)

4 x £4,780 = £19,120 (Top Up Band 6)

Total: £129,400

Plus additional Therapies, EP and CPD

How will places be managed/accessed?

- The places in Targeted Mainstream Provisions will be accessed predominantly by those with an assessed need that is described within an EHCP
- The LA will consult schools with Targeted Mainstream Provisions only where their assessed needs indicates they need this type of provision
- Access to these places will not be accessed via the usual mainstream admissions process
- These places will be outside of the school's Published Admission Number
- Children with an EHCP and accessing these places will have a Statutory Annual Review to consider their ongoing needs and provision in line with the SEND Code of Practice
- Flexible places will be accessed for short term periods of intervention and assessment and agreed through local protocols and in agreement with the Head Teacher

Schools needing to add or alter SEN status to their designation

Locality	Primary C&I	Secondary C&I	Primary SEMH	Secondary SEMH
Hambleton/Richmondshire	Alverton Primary	Wensleydale School		PRS at Thirsk School
Scarborough area				PRS at Scalby School
Whitby	East Whitby Academy		West Cliff Academy	
Ryedale				
Selby		Holy Family School		Selby High School
Craven				
Harrogate/Knaresborough/Ripon	Grove Road CP Primary			

Schools needing to remove SEN status from their designation

Hambleton and Richmondshire

Bedale Primary School
Bedale Secondary School
Mill Hill CP School
Thirsk CP School

Harrogate/Ripon and Knaresborough

King James Secondary School

Scarborough/Whitby/Ryedale

Malton CP School
Kirkbymoorside Primary School
Barrowcliff CP School
Lady Lumley's School

Craven

Greatwood CP School
Embsay CP School
Upper Wharfedale School

Selby

Barwic Parade CP School
Thorpe Willoughby CP School

How can you participate?

After attending an online engagement meeting please consider the school(s) of which you are a stakeholder of and complete the survey at:

<https://www.northyorks.gov.uk/consultation-implementing-targeted-mainstream-provision-children-send>

Paper copies and easy read versions are available upon request



Questions?

Online consultation 1: 11th May 2020

NYCC Attendees: Ben Kilsby, Chris Reynolds, Matt George; Jane Le Sage

Attendees: Christopher Head (NASUWT); Paul Busby (NEU); Ross Strachan (NEU)

Chris opens the meeting and welcomes attendees, proceeds to give presentation (see slides in appendix)

Following the conclusion of the presentation Chris Reynolds asks for questions from audience

Paul Busby: Understand the technical nature of this element of the consultation - both a little surprised that this consultation is still ongoing given the strange times we are in given people's ability to join this type of consultation and with people being busy with their families just wondered how inclusive that is and given the illustrious the group we have at the moment and that may play into that point & question for Jane whether or not given the limitations that are bound to occur, I'm worried about what is happening in the autumn term for the kids who have needs but won't have the same level of provision that might be up and running from January.

Chris Reynolds; On the first point of the consultation we took legal advice about whether or not to continue with the consultation, the view was that we should. Keep track of how people engage with us, this is one aspect, there is a survey for people to reply and engage with parent & carer forums regularly and we have plenty of opportunities for people to share their views. In respect to the autumn term we respect that things are in uncharted territory at the moment, we know we won't know what September looks like at this point, however we will have our local hubs in place so the outreach element which is the prominent type of support delivered by current EMS's will be available through those hubs the in reach places, we don't have a lot of full time places at the moment but putting plans in place to ensure children and families get the support they need regardless in that interim period. Our outreach offer will be in place and we are making appointments now for many of those EMSs posts

Chris Head; Obviously picking up on what Paul has said we are concerned as you are, agree that there are positions being filled, it's becoming difficult because of C19 for people to get to schools and doing online interviews. Regarding the technical aspect of what you've said appreciate the presentation and would be nice if you could send us all the powerpoint, last May all the schools who had an EMS were sent a letter to say that if they hadn't decommissioned themselves they would be decommissioned by the 31st of August, wondered if you have to legally get to get the executive to agree to it by that date, it all seems unnecessarily convoluted, if we are then commissioning the 9 schools and 2 of which are PRS' for ultimately the 1st September and getting exec to agree to that, won't we have to do this next year as the target is 31, won't we have to go through this process again next year as we need to check we can commission 20 odd schools for next year

Chris R; On the first point of decommissioning for the 31st August, as I mentioned in the slides we commissioned on the type of provision, you're right that from May last year (2019) that we wrote to schools to tell them that the current EMS model would not continue as of the 31st August, that was agreed by the executive as part of the initial consultation of the strategic plan, the decision to agree to the change of model decision has been taken essentially, the commission from 1st September has been agreed by the executive that we will commission this new model of targeted provision, what we will have to do next year when we bring forward new schools isn't the consultation on the actual model which is what we did from February through to March but We'd have to do same consultation that the DfE stipulate we have to which would be to add an SEN status to any school that wants to come forward and deliver the new model.

Jane Le Sage; I just want to add a few things to that - I absolutely accept we are in a difficult time in ensuring business continues, in regards to the consultation, we have some conversations with legal about how to ensure this was a meaningful part of the consultation, important to say that the consultation for the implementation of the targeted provision, has had a variety of previous consultations, when we established the strategic plan we consulted on a large scale on what we were trying to establish, we then came out to consult again this year with what we were to offer from the targeted provision and this is the final part of that for the change of designation, if you look at our thoroughness through our consultations we have given plenty of opportunity for people to help shape it and give their views. When we talk about the autumn term it's difficult for anyone at the moment for schools and the services that support schools, we are continuing our work in terms of the changes that are happening from September, we are about to put together a series of 6 different bulletins that we will send to yourselves as union reps as well outlining our position in terms of up until sept but also what we are intending to happen from September, albeit none of us really know what that looks like at this stage, our plan for Autumn is that we will be near enough fully staffed regarding the SEND hubs, including recruiting 34 staff from the EMS into the hubs so it's great we are retaining those expertise. We are finalising some of the communications in terms of referral process and the core offer, communicate that with schools and prior to lockdown a lot of work about individual children who would need to be transitioned, this work is continuing albeit remotely. Some of our staff are still working in schools where we haven't managed to establish correct ratios, all statutory processes are still underway, although has to be done virtually, health colleagues are busy and some have been deployed into other areas of work. Trying to keep the pace and hopefully be able to communicate with schools around what we think will look like from September, by the end of this week send first bulletin and then following that full plans with changes. Locality boards still being attended where possible so still trying to maintain communication with schools as well. For the recruitment to the hubs, still recruiting to hubs, still have a small number of vacancies that remain, plan to go out for external advert, small number of interviews next week, talking very small numbers of vacancies and interviews are going over skype and we are learning and adjusting to that. We are on track and our staff will start from august and induction plans will be in place so come September we will be ready to go, whatever that looks like.

Also talking to our technical and change teams so if we still don't know how this will work, there might be some technological options in place for assessment, not ideal but we can't just think because we can't get into schools, doesn't mean we can't help but looking into technical options to support if this continues into the new academic year.

Chris R; One other point that is of interest, current EMS' that are going to maintain provision, we have been in some discussion in order to provide some interim funding budget between sept and Jan to keep the work going until then.

Ross Strachan; it's a consultation and obviously consultations going on before and people have raised many points, this one is about remaining schools and whether we can add EMS to the school name, any instances for that not to proceed.

Chris R; In terms of the technical consultation here this is about the purpose of the school having an SEN unit, the reason for the proposal for those schools who we are wishing to end that provision is because there isn't an SEN commission from the local authority, if there is a technical reason for them to retain the SEN status and the opposite for those we are wishing to add if there was any reason why those being proposed to gain it, is there a reason why we should not do that. The reports on the site are down to a school level as it is down to them providing or ending the provision.

Matt George; to give an example, a lot of the schools that are being decommissions, have been consulted where conversations with school leaders on the new model and whether they wanted to be part of that, the ones being removed are the ones who didn't want to participate, if something changed and one of these schools request to now be included then they may be included in the

next phase, depends how tentative it was. If there was a response from the schools that they now couldn't fulfil what they said they could or the quality of the response provided rather than the volume of response. To get to this point we think these are the ones going forward

Ross; quick follow up on that, we've got 9 schools and looking for 31, some schools were approached but they weren't matching the preferred model, if time goes on and it doesn't appear can't get to 31 from a business you would have to increase the incentive no? Is there a mechanism to encourage those schools to come back in?

Chris R; there is a formula and yes we are dependent on those schools working in partnership to deliver to the localities, where we have tried to enhance what is on offer, the money in place is a national offer and is how we fund special schools, so there is little we can do with this. What we have done and have been open about, if there were other things to enhance and make this more attractive was the request for therapies and quality CPD, when we proposed the model you will get the place money but the authority, from our high needs block, will fund some therapies from additional areas including free CPD offer, we have tried to enhance, and looking at what other authorities do, it certainly does enhance the offer. We had a range of schools that came forward for initial conversations, some have ruled themselves out, some have said not the right time, and those that we are bringing on. Schools that have come forward will move into the next phase to get to 31. We have enhanced the best we can with what we have available.

Chris H; That is very interesting, looking at those that are interested, how many are in the next phase?

Chris R; 4 or 5 have said it's not the right time so will revisit, when we normally engage networks we get queries about it, conversation this morning about doing more engagement with the schools to invite them to conversations prior to the summer and more detailed conversations that want to think ahead to Sept 21 or Jan 22 would it be the right time for them and we will work on that basis.

Chris H; Those 3 schools that are part of the setting now and are going to be 3 of the 9 come Sept, and thinking about the dates you mentioned before to bring about the change in designation, what point do you think those schools will be able to say they have all traffic lights at green and be able to appoint people to their EMS units

Chris R: this process will be Exhausted by 18th Aug, the current EMS' what we have given them is an assurance that when their commission ends on 31st august they will get interim funding till Jan, if something came up that meant that school couldn't take provision forward then the new commission wouldn't kick in after that funding. Effectively the current EMS in consultation on funding between Sept and Jan.

Chris H; Is we get questions from members there will be funding for those schools until Jan

Chris R; Funding in line with the new provision, not the current provision. They will still need to restructure in line with the new model.

Chris H; Worried if I worked there and a new job came up I may decide to move than wait and as a result that school would be worse off as they have lost my expertise

Chris R; Through conversation with Head Teachers I've spoken to now, it doesn't seem to be an issue, they have an idea of the staff they want in that structure based on interim funding.

JLS; it is important to say even though we've mentioned it a couple of times these are the first 9, we are aiming for 31 by the time we get to full roll out. Over past year we've had some interesting conversations to get us to this position. One area I'm enthused about is that before lockdown went to primary leadership networks and had a number of head teachers approach us for conversations.

1 locality area is looking at how they can work more collaboratively across schools to establish their quota of targeted provision and ongoing conversations between secondary and specialist colleagues about how it could work for their patch. Just because we are starting with 9 doesn't mean interest isn't there, a number of schools waiting for conversations with us. The success of the first 9 will have an impact of schools watching to help decide if this is something they want to do and learn from this first tranche of schools. May take us 3 years to get to 31 but confident that we still have some schools ready for round 2 but need to make sure we don't lose that interest.

Chris R; to finish off now, there is the online survey that you may have seen the link to, encouraging those to fill it in and share your views, this session is recording and we will take comments and considerations into it.

Chris R closed the meeting

Online consultation 2: 12th May 2020

NYCC Attendees: Ben Kilsby, Chris Reynolds, Matt George; Jane Le Sage

Attendees: Anne Swift (NUHT) + 8 Member of the Public

Chris opens the meeting and welcomes attendees, proceeds to give presentation (see slides in appendix)

Following the conclusion of the presentation Chris Reynolds asks for questions from audience

Anne Swift; Provision for children during the autumn term while the new provision comes on stream and children are in the system but the new system will not be ready until January 2021.

Chris Reynolds; So in terms of the current offer the predominant for the children at the moment is an outreach offer we do have some children undergoing assessment under current EMS and majority require special school provision there will continue to be an outreach support offer through the autumn term and that will be delivered by locality hub teams, those teams have specialist practitioners for SEMH and C&I as well as therapists and education psychologists etc... so essentially those hubs will take over the function of the outreach support offer. These provisions will come on line in January where they will offer full time places at their individual school. Are you comfortable with that.

Anne; Yes I am, it was just a concern that the EMS' have been working with children and then if they aren't there then the children still need the support, so if you are saying the hubs are going to take on that role and you have the staff with sufficient skills, because that was my next question, to meet the needs of the youngsters as they can't wait while new provisions and new staff get trained and the set up to meet their needs, just making sure the children aren't left high and dry in this kind of transition from one model to another.

Chris R; so the hubs there has been a restructure of central support teams and just finalising the recruitment process where we have appointed a number of the EMS staff as well to continue to provide that outreach support, what we are doing with this model of delivery that is different is the outreach will come from hubs and the more concentrated in reach support will come from these provisions.

Member of the Public 1: Are the provisions in an academy run by the academy with academy staff or are they run with LA (local authority) staff?

Chris R; We would as local authority commission the academy to deliver the provision and we will have a tight service level agreement and we will have that with our maintained schools, not just academies, where we set out the outcomes we expect those providers, the schools, to provide for those young people and they will be continually monitored and reviewed by the local authority so it's a partnership with the academy, academy staff will deliver but our therapies and psychologists will be provided by the local authority

Member of the Public 1; What other provisions exist in academies in the Craven District?

Chris R; You'll have seen the slide earlier across craven at the moment we haven't secured schools that want to take this forward in the first phase and we have started conversations about

the next phase of the provision because we recognise we need schools to work in partnership with us to deliver this and we are pursuing those lines of enquiry as we speak.

Member of the Public 1; Just to come back on this to make sure I'm clear as I'm relatively new to the area, does that mean there aren't any existing provisions including academies I appreciate you aren't consulting on behalf of academies but there aren't any others that exist within craven elsewhere.

Chris; The current EMS model will cease in august, the majority of that function in craven is out reach support and that will be delivered by Cravens Hub. There will be an outreach support offer across craven and we'll be working as quickly as we can to then establish the more concentrated in reach support and places in mainstream schools as quickly as we can

Member of the Public 1; Ok, will I find the details of the outreach support in a previous document? Apologies I missed that

Chris R; Yes previous consultations are still available on line I believe but if not I'm happy to provide you with more information Helen if you would like some more information.

Member of the Public 1; Yes please that is my main interest

Chris R; does that cover your third point?

Member of the Public 1, Yes it does

Chris R; That exhaust the questions in the text box, does anybody have any further questions they would like to raise?

Member of the Public 2; I was wondering I the academies are doing their own consultations, do you know when these are so we can inform parents and carers?

Chris R; Yes, so we will be working closely with the academies but the LA won't run the consultation but we will be in touch with the academies to set out what they need to do and once we have any information we will share it through parent carer forums etc...

Would anybody like to raise anything else through the text box or over audio? [no response received]

I'll assume then there are no further comments or questions, would really encourage you to go online and complete the online survey, obviously we'll take all feedback on board when we feedback to members. Thank you for giving us your time, appreciate there are additional challenges at the moment so thank you for joining us.

Chris R closed the meeting

Consultation Responses

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
3	Staff	Embsay	I am really worried about these proposals - we have accessed support from our Ryedale EMS schools on a very regular basis and we are wondering how we would access this support in future?		X	I can't understand where the more general support comes before we access a unit for the child to attend.
4	Staff	Barrowcliffe	The disbanding of Barrowcliff EMS has significantly reduced the level of support that we have access to at school for our SEND children. We are unable to contact professionals easily and ask day to day questions about the support our children need: I feel that disbanding this provision has seriously affected the outcomes and provision for SEND children at our school.	X		
5	Staff	Barrowcliffe	I am concerned that losing this support will have a detrimental impact on children - this may be because I don't fully understand what will replace this provision (although I have read the consultation document and attended network meetings). That said, having used both inreach and outreach services from the school in the past, it has been instrumental in supporting the SEMH needs and welfare of children under our care as a school.		X	I think signposting SENCo's to where they can find additional information or providing specific, additional opportunities for discussion about the consultation (perhaps via teleconference following a network meeting, as sometimes it can be information overload)! This means we can be clear when cascading information to SLT, staff and families.
6	Parent	Barwic Parade	I have had dealings with Barwic parafe school for many years now re my younger boys. One who is autistic and now attends Forest Moor School Harrogate, the other who is still working with Barwic parade EMS whilst attending Hensall school. The ems have been amazing with both boys. And although they didnt have space for inreach were very good with in out reach. The staff in the ems are very good at their jobs and rather suprisingly you have made them redundant instead of placing their experience somewhere it could be utilised. Bizzar!!		X	Theres a lot of jargon there that makes us mere mortal parebts re read more than once to glimse what was being said. Dont forget we are not all clever and may need things simplifying to help understand.

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
7	Parent	Barwic Parade	Not close the provision of EMs that is attached to this school. It is disgraceful you are and that they only get £300 funding per year. Some children need specialist provision as they can not cope with large amounts of children due to sensory needs and anxiety.		X	You talk about additional needs, yet you write with legal solicitors jargon. I think the majority of people would read this as 'gobbledygook' abs would either not complete this in the first place or tick options they don't understand. I'm a linguist and if you want people to understand something, you have to relate to your audience. You haven't!
8	Parent	Hambleton/Richmond PRS (at Thirsk School)	The support for the staff has been exceptional as they have more understanding of children with SEND and are able to work more closely with the children	X		
9	Staff	Bedale Secondary	I have lived in this area for 24 years now and was made very aware of the over budget provision for SEN in the area. Having now worked for nearly 6 years at Bedale High School I have seen a rise in students that require support regardless of EHCP provision and as I am present in the community I am also very aware of the time for parents to have students assessed. I was very surprised to see the school on the list to be removed.	X		
10	Staff	Central C&L (Upper Wharfedale School)	We are a over subscribed secondary school with the highest SEN provision locally if not further within the County. We are well known for our SEN provision, but to proceed further and to implement your proposals the school needs additional funding to for fill the needs of the SEN students in our care. We have a range of students from academic ability from KS1 through to high achievers, we need additional teaching/support staff to enable these students to flourish in our setting. To achieve this the school requires additional buildings to house specialist trained staff to enable currant and students yet to join the school to engage in main stream education but allowing them to have a personalised timetable so that they can have time to regulate themselves out of the	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			main stream classroom. As a member of the SEN team at the school we achieve great success with our SEN students however, this is becoming more difficult due to funding being reduced/cut. I believe that the school setting enhances these children to succeed, but without additional funding and additional support this will have a massive impact not only on staff but also on students and parents/carers. To be fully inclusive within a main stream setting then the school needs to have these additional support put into place.			
11	Parent	Central C&L (Upper Wharfedale School)	So long as there is the specialist understanding and support using the new 'targeted' system at EVERY school (vs focus on enhanced Mainstream schools). My concern is that this way there will be more breadth but less 'depth' of support. We as Parents chose to send our SEND child to an enhanced mainstream because there was greater reassurance the school would be better equipped to help our child. It is unclear to me what you propose will be 'better' with the new system (specific examples of how it will be better for the child, school, parents....) Not knowing what the 'end game' of the changed strategy is, makes it difficult to assess...		X	Just not clear exactly what you propose and why - lots of info and links but nothing very tangible to review quickly and feedback on...
12	Other	Greatwood School	It is inappropriate, and possibly illegal, for this consultation to take place during a period of national school closure. All EMS in Craven area are being decommissioned with no sensible plans going forwards for Craven children. Governors and Headteachers in Craven have consistently disagreed with NYCC proposal and have received no workable solution for our children.		X	Questions raised have not been addressed. The consultation proforma suggests one response for each of the three schools in the Craven Area.
13	Governor	Greatwood School	These are ludicrous proposals. Will save money in the short term but long term financial implications when permanent exclusions and crime rates increase will be far more expensive! The provision of the EMS at Greatwood is outstanding. The permanent exclusion rates are the lowest in	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			North Yorkshire as a result of the first class EMS. That there are currently over 30 individual children and their families accessing greatwood EMS and the new proposals commissioned by NYCC will not work. Where are the children on in reach going to go to?			
14	Parent	Embsay	Actually, I am responding on the fact that the proposal is to close all 3 units in the Craven area with no proposal to open or replace any of these to service the children in this locality.	X		
15	Parent	Greatwood School	This provision is vital. My child receives an hour a week from the ems team one hour a week is no where near enough but it is better than nothing. Are mainstream schools need more support like this not less.	X		
16	Staff	Greatwood School	To find a similar replacement to EMS Greatwood-SEMH, EMS Upper Wharfedale- cognition and learning and EMS Embsay- communication and interaction. For a rural school on the border of the county these services and people have been invaluable to us, in being able to meet the needs of our SEND pupils and help assess other children that have been on and come off the SEN register because of the fantatstic support/interventions and personal touch that was enable by the proximity (and they are still a journey from our school), time and staff that worked very closely with our school to provide the best approaches for our children. By removing these services and having no similar replacement in our area this is only going to have negative consequences on our schools and children. How can a hub in Harrogate cover an area as far as Craven even with a satellite a few days a week in Skipton. Our children will suffer from the lack of expertise and advice and fantastic relationships that schools and staff have built with the local EMS teams. We need specialists with adequate time to be able to cover the geographical distance and spread of school.		X	I found it tricky to follow as a SENDCO the parents really weren't sure what was happening.

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
17	Staff	Greatwood School	The EMS at Greatwood (and those in the craven area) have been invaluable to our school and pupils. To go from the support we have had from them to what is being proposed is very worrying. The teams in the craven EMS have built relationships with schools and have a wealth of knowledge that they are about to lose as the staff at Embsay and Greatwood do not have roles in the new structure as there is not going to be a team based in craven. The lack of support proposed is going to have a detrimental impact on schools and ultimately pupils because they are not going to be able to access the support at the level they have had from the EMS. The teams we can access are based in Harrogate and have to cover many more schools including craven so therefore we are going from full time specialist support to limited. As an established SENCO in school, I will be very sad to see the loss of the amazing EMS staff and will be extremely worried about the impact on children with SEMH. These concerns have been voiced by the Craven SENCOs/Heads on many occasions. We must have a transition period so that children who have had support can continue to have support when schools return after lockdown. I would love to see the teams already in place at Greatwood and Embsay stay and form a craven hub so we can keep the expertise and continue to work with them to meet the complex needs of our children.		X	
18	Parent	Bedale Secondary	I think the school need to seek to improve the provision they give the individual student and make sure all staff are aware of their needs	X		
19	Staff	Greatwood School	I believe that the effectiveness of the work of the Greatwood School EMS staff and the positive impact that they have had on children, families/carers and other schools throughout Craven has contributed to Craven's low exclusion rate. As a staff member I have seen first hand how successful their work can be in supporting pupils to remain in a a mainstream education and also in sign posting, along with other	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			professionals.when alternative provision may be more suited. As a parent of a son with a diagnosis of ADHD and in receipt of a 'Statement' (EHCP) albeit now grown up, I am only too aware of the help that is needed, as a child, a parent and a school staff member.			
20	Staff	Greatwood School	Our current EMS is a vital tool of SEN provision in the area. More and more children are being diagnosed with SEMH needs and the EMS staff provide outstanding support and expertise to schools and families to enable these children to access the education they are entitled to. I believe that targeted support will not benefit pupils and work as well as the current EMS provision and I am deeply disappointed that NYCC have come to this decision, despite all the evidence available that our EMS is successful and a wonderful resource to the Craven area. I have been teaching for over 15 years and I have never been so concerned about the future of SEN provision than I am right now.	X		
21	Staff	Greatwood School	We need to keep our EMS provision it provides valuable support for children with SEMH, ultimately reintegrating them back into mainstream school successfully.	X		
22	Parent	Bedale Secondary	My child had to move to Bedale because the school she was in could not accommodate her needs. Where does that leave her when this changes? She is in year 10. Bedale Primary and Bedale secondary have been the difference between my child being involved and educated well. Bedale is central in N Yorks. Just off the A1 and not difficult to get to. The schools you are proposing it goes into are not central. Losing this provision from Bedale would be a poor move in my opinion.		X	What will my child receive in place of what she receives now if the changes are approved? Not clear.
23	Staff	Hambleton/Richmond PRS (at Thirsk School)	We have students who come to the PRS who have been excluded from their mainstream school who could have managed if they had access to the proposed provision. These students often arrive without and EHCP. It is my belief that schools would be more willing to work with these	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			students to obtain an appropriate EHCP if they knew this type of provision existed and students could benefit from the therapeutic element on offer. This would help to reduce permanent exclusion. There is currently a significant gap in North Yorkshire in the type of provision on offer to those students who struggle with SEMH needs that are difficult to meet in mainstream but perhaps do not require the level of support of a special school. I also welcome the locality based approach. Our students who transition to special schools for SEMH currently have to travel to Forest Moor which is 40 miles from Northallerton and a traveling time of just under 1 hour. As many of our students come from even further afield, the proposition of a locally based provision to meet the needs of those pupils is not only better for the student, it costs less to send them there.			
24	Parent	Central C&L (Upper Wharfedale School)	This school amongst others support our local primary school with specialist support in different areas of SEN. We need this locally & staff between the schools have built great relationships. A hub in Harrogate would massively limit the amount of support our school (on the border with Lancashire so distant critical) would be able to access and it is not enough for our children.		X	
25	Parent	Central C&L (Upper Wharfedale School)	I'm disappointed that there is no support for the craven area after having 3 points of contact for targeted mainstream provision, and yet again bentham is left with having Harrogate as its closest point and a satellite service in skipton.	X		
26	Staff	Greatwood School	Having the access to the specialist staff is crucial to be able to support all the children in the area and the school. The staff are friendly and supportive and available to support classroom teachers. They help with resources, answer questions and provide support with ideas and strategies to ensure all children can do their best in school. Having the	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			support within the school allows the children who struggle in mainstream education and need the EMS to feel part of the community of the school. They get the support they need but also get the normality or being able to go to school.			
27	Parent	Hambleton/Richmond PRS (at Thirsk School)	My son has received the highest quality levels of support and interventions in the short time he has attended the HR PRS. the team of staff are second to none that i have experienced in my son's 10 years in the mainstream education system. My concerns would be that this quality and type of support may be diluted with the introduction of targeted provision within mainstream schools without a clear definition of service between the two. It is imperative that the clear definition is made to staff, parents, governors and partners in order for any level of real success. It is vital that the budget for these provisions does not sit within the mainstream school budget. It is crucial that the level of expertise, passion and knowledge along with personalites is not diluted in any way, members of staff within SEN or PRS work in a completely different way to mainstream teaching and support staff. this is why it works. Please do not employ existing mainstream staff to carry out these duties as a way to move staffing costs within a budget, this will not be in the best interests of the pupils, staff or parents. If the new provision could follow some of the good examples of practice developed by the historic Extended Schools model it would be helpful My son thrived in the PRS supportive environment - his permanent exclusion could have been easily avoided with the correct levels of pastoral, behavioural and emotional support being in place. New model would need to have long term investment - an increasing investment not decreasing. PRS teams should be fully involved in the development of any alternative to current provision. The consultation page states that young people are being consulted - are they really and meaningfully		X	The proposals are wordy and difficult to understand not at all parent or young person friendly, ideally something somewhere between what it was and the 'easy read' format

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			being consulted - aren't they the best point of reference for what works and doesn't work?			
28	Parent	Greatwood School	As a parent with a child in school, on the border of the county this new structure really worries me. I am concerned about how a HUB in Harrogate is going to be able to deal and cope with the workload effectively that was once provided by three schools and various teaching specialists in our area. I don't feel reassured that the new plan will provide the best support for our SEN children in Bentham and Craven. I feel our SEN children and those children with extra needs are not going to have the specialist support they require or teachers the chance to gain additional knowledge and support, in order to deliver the best teaching for all types of children. I feel that the need of our area has not been considered in this new structure. And as a result we will suffer greatly.		X	Was quite complicated to understand. I had to get someone to explain to me.
29	Staff	Greatwood School	I have been working at Greatwood for 3 years. The first 2 and a half years I volunteered and now I am employed to work 1:1 with a child with non verbal autism. Although I had worked with this child whilst volunteering i was not expected to do 1:1. Since working with this child I have mainly used my compassionate nature rather than use training as I haven't had any. The EMS team at Greatwood have supported me and guided me with ways to help this child achieve the most they can from me. I have found having patience has helped enormously but with the knowledge and ideas of the EMS team I have been able to help this child speak more clearly, eat her sandwiches at lunchtime (which was very tricky), work on maths, respond to other people both children and adults. I can say that without their knowledge, care and support that my role with this child wouldn't have been as successful. May I also say that Brettle at Embsay is an amazing lady and her support has been invaluable.	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
30	Staff	Embsay	There is nothing available for our area. We need a base within our area.		X	It's very complicated. Hard to understand.
31	Parent	Central C&L (Upper Wharfedale School)	As a parent with a child recently referred to the Inclusion Team (at the start of 2020), I am extremely concerned that the services and the support that his teachers were due to get from these specialist teachers and services will now not materialise, that the education and the welfare of my child is going to be put at risk. My child attends a mainstream school at the far reaches of the county from Harrogate, which was difficult enough under the previous provision, but now it seems that there is going to be no physical support in school for any child with SEND. How can this possibly be an improved service? The current EMS staff have spent years working within our local schools, developing and building up strong personal relationships with teachers, parents and the children they are working with. How can someone possibly support our children remotely with no knowledge of the children they are supposed to be working with? The suggestion that support staff with only travel as far as Skipton for a few days a week is not a reasonable solution, putting more and more pressure on both the workers and staff within schools and increasing their already immense workload. Our children are all individuals and often have individual needs that require knowledge of a child through speaking to them and/or observing them within their learning environment to identify any barriers to their learning. Each child is unique and a "one size fits all" is not the way to treat our children. Children with SEND already have barriers to learning without taking away 1:1 support with their education that they deserve! It's appalling. I have worked with all the 3 EMS teams in the Craven locality over many years and know first hand the benefits and experience they have provided to teachers and support staff within schools to benefit both		X	Too much jargon within the consultation document and assumptions that families understand the current service and the proposed new ones. Could have been made much simpler.

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			individuals and groups of children. It is essential this service continues with the high quality that families have received historically and deserve!			
32	Staff	Greatwood School	The EMS has very good relationships with schools and staff that have taken years to build up. The EMS are very hands on and child centered working and adapting to meet the needs of the child and family. Taking away the way the EMS works will have a direct impact on the success of working with vulnerable children.	X		
33	Parent	Embsay	I have concerns that our area of craven is not going to be adequately covered by these proposals. A central hub in harrogate for north yorkshire is not feasible as it is such a large geographical area.	X		
34	Parent	Greatwood School	I feel as if you are ignoring the children in the Craven District area. These changes will have a particularly deep impact on the families of those who need the support by cutting back and moving further away into Skipton 'a couple days a week'. First prime example is that you don't have the decency to include all schools or towns that it will impact on this survey. Not all families in the craven area can travel 40 minutes with children to these 'satellite' centres you propose. If they are only going to be a satellite hub and not the permanent one how on earth can all schools in craven district area access the same quality services as those now? The proposals you have made will have a large impact on rural areas risking further inequalities between those 'out in the sticks' and those in the inner cities who are deemed more conveniently closer. I have forwarded in all information onto a Cumbrian County Councillor as well as raised this issue with my local MP to dissect and monitor further. As a parent with a child in a class with other children who need specialist support I do not condone your proposals. If need be I will object along the way if these changes are not ammended to include Craven	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			children as equally. I am happy to take legal action if deemed necessary. I agree that changes must be made to keep up with the times etc but not at the expense of some child's support network.			
35	Parent	Greatwood School	I am extremely worried about losing the EMS it is the only provision available for children under 9 struggling in mainstream provisions in our area! I would like to suggest the team remains, even as a virtual team (ie not placed within one particular school). I am extremely worried and upset about the closure.	X		
36	Parent	Greatwood School	The work that Greatwood EMS has done has been vital to keeping my child within an education setting. The imminent closure is very worrying to me as a parent and I would suggest that their specialist education provision is much needed within North Yorkshire and should not be lost to an already stretched education service. Even if it is decided to close the physical school the team should be able to continue with their much needed services perhaps utilising other schools as a base to work.	X		
37	Staff	Greatwood School	Greatwood should remain as it is in its current form. We get so much support formal and informal, training, consultations, support, advice, good examples and emotional support as staff. It is not only our children and families that benefit hugely from the School and its highly trained staff. It is extremely disappointing that these decisions have been based on what I feel are inaccurate data and very little, if any consultations or discussions with the schools that are directly affected. A huge amount of schools in the area are going to be dealing with children that they do not have the expertise or skills to cope with. The proposal just limits the capacity for schools to cope. I can also imagine that fixed term and potential permanent exclusions from primary school will		X	

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			increase as there is not enough support in the 'hub' model to sufficiently help us.			
38	Staff	Greatwood School	We would not have been able to manage to meet the needs of some pupils without the support provided by Greatwood EMS. We are very concerned about losing their skills, knowledge training and the supportive relationships we have developed with them. In many cases their intervention - offering training and support to both parents and staff, has meant that children have been able to remain in mainstream education and prevented exclusions, as well as helping to maintain staff in school who have been faced with meeting some exceptionally challenging needs. Parents have always expressed gratitude for the difference they have made and the reassurance they offered and this has helped us to maintain positive relationships with parents, even in the most challenging of circumstances. We are really worried about losing any of this and when the EMS service is decommissioned. The idea of multi-disciplinary teams and joint working makes sense - many of our pupils would benefit from this as they have a spectrum of needs, however we are concerned about whether we will be able to access these in our locality and whether they will be able to offer the same level of support. Our children have benefited from the EMS being local to our school and the flexible and timely way that they have been able to respond to ongoing needs.	X		
39	Staff	Embsay	Embsay EMS have supported us for a number of years and as such, they have built strong, consistent professional relationships with children and families as well as school staff. This has been particularly important for children with ASD. Embsay have provided strategies, training and support, not just for the children that have been referred to them, but to the families and school staff as well. Currently they are involved with 2 children in our school, but have supported many more over the years. We would not have	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			been able to meet the needs of some of these children without their input. We are very concerned about losing their support and training and are worried that children will begin to miss out. A reduction of this service would have an impact on children and by extension may have an impact on the rest of the class, including children and staff wellbeing. For the new multi-disciplinary teams to be comparable, they would have to be accessible, both in terms of referral and response times and be able to offer the same range of support. Our children have benefited from the EMS being local to our school and from the consistency of support that they have provided.			
40	Parent	Hambleton/Richmond PRS (at Thirsk School)	I think it's an excellent proposal. I've felt for a long time that there has been a big gap between mainstream schools and special schools. I only wish it had happened sooner for my own son and then he might have avoided permanent exclusion. I do feel that the 8 spaces will be filled very quickly and I hope that capacity will increase as needed with requirement.		X	As a document for the public, it was very long winded. It didn't explain whether there would be any other help put in place for the children who are currently able to gain extra support in the schools that are going to have the specialist help withdrawn ie Mill Hill.
41	Parent	Hambleton/Richmond PRS (at Thirsk School)	The school I wanted to select wasn't there although it is part of these proposals My son attends Thorpe Willoughby primary and I chose this school for him based on the fact it was an enhanced school and there were facilities/people on site to aid him where needed	X		
42	Staff	Greatwood School	The staff have worked with children in our school for many years and provided excellent support for both children and staff. The support is relevant and well informed. The relationship we have with the EMS is invaluable, they are close geographically, will visit school regularly to work directly with children and talk to parents and staff. They know us and the needs of our SEND children. As staff we are able to seek advice informally and their specialism helps us to support		X	The language was complicated and you had to sift through to find the facts

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			children quickly, which can then mean we don't need higher level support.			
43	Parent	Central C&L (Upper Wharfedale School)	My child has accessed the EMS service as a student at Ingleton Primary. This was an excellent service that has gone on to help him even now when he is at high school - he is excelling at high school because the right help was given him at the right time. I still have a child at Ingleton Primary. I can't see how children in Craven and in particular Ingleton will have equality of access for SEND when the service is being reduced as in the plan. The relationship between the schools really helped get my child the most relevant help and again, I can't see how this will work from a hub in Harrogate and when the teachers and SEND experts do not have the chance to work together regularly.	X		
44	Parent	Central C&L (Upper Wharfedale School)	As a parent with a child who could possibly have cognitive and learning difficulties, it causes me great concern to think that my son's teachers would not be able to quickly access specialist teaching advice from their current EMS. Ingleton Primary is right on the Yorkshire/Lancashire border - a long way from Harrogate where your proposed hub will be. This feels as if advice and support for Ingleton's staff, and subsequently pupils, would be a long way away and probably at the back of a long waiting list. A satellite service in Skipton a few days a week sounds very impersonal and does not allow my son's teachers to establish relationships with colleagues who could give advice and guidance. The whole process feels as though SEND support is being whisked away from my son's primary school which will clearly have a detrimental affect on those students who need this support.	X		
45	Staff	Embsay	I would like to make various points in relation to this 'consultation' regarding the closure of Embsay as an EMS providing support for children with C&I needs. First of all it seems somewhat late as notice of decommissioning was		X	Very unclear exactly what you are consulting about as decision to decommission already taken.

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			<p>given in May 2019 and the redundancy process that it entailed is now almost complete. I would therefore query whether as a matter of law this process is correct. Much of the focus within the Strategic Plan has been on replacing the current outreach provision with targeted provision. I have previously expressed my views regarding the need for this within Craven and the reasons why Embsay is not appropriate for such a provision. There has been far less focus (or indeed consultation) on how to continue to meet the needs of children who are not in need of a targeted provision place (even if there were to be such provision within the Craven area) but who currently need high levels of support from our outreach team. At the time of school closure the Embsay team had 64 children on their caseload and continue to be in contact with these children as best they can. Support for other children with C&I needs in Craven is also provided by specialist members of the Central team. It is accepted by all parties that C&I needs will only increase in the future. The current situation is that my specialist teacher and specialist practitioner provide advice and support across the Craven area. When the EMS based at Hookstone Chase was providing similar support for children in the Harrogate, Knaresborough and Ripon area, their staffing level was a teacher in charge, 1 specialist teachers and 2 specialist practitioners. Central team currently has one specialist teacher and 2 specialist practitioners who provide support across both areas. Under the proposed new locality arrangements, Craven has been merged with Harrogate, Knaresborough and Ripon with a total C&I staffing level of two specialist teachers and 3 specialist practitioners, compared to historically 4</p>			
46	Governor	Embsay	<p>Primarily, it is totally unacceptable to carry out this consultation whilst the country is in lockdown, schools are closed, parents are furloughed or have already lost their jobs</p>	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			and tens of thousands in this country are dying of coronavirus. It is an affront to humanity and democracy. The consultation, the process and any actions should be immediately postponed until things return to normality. My school has made use of the EMS provision at Embsay. But support and resources are already restricted and do not provide the level and quantum of support needed within the timescales we need. Closure of the EMS will deprive vulnerable children from accessing education and responding to their needs. If Embsay closes there is no clarity about any replacement services, the funding available for that resource and the locality of that resource. There has been a total lack of engagement with front line providers, parents and communities so far on this matter. We have been told at presentations that changes are supported by local heads. But I can't find a single head who supports EMS closure. I would ask that the Local Authority pauses, engages more coherently with providers, parents and communities and looks at how it can make EMS provision more effective rather than taking it away.			
47	Governor	Greatwood School	Firstly, it is totally unacceptable and insensitive to carry out this consultation whilst the country is in lockdown, schools are closed, parents are furloughed or have already lost their jobs and tens of thousands of people in this country alone have died and will die from coronavirus. It as an affront to both humanity and democracy. The consultation, the process and any actions should be immediately postponed until things return to normality. My school has makes use of the EMS Provision at Greatwood. But support and resources are already restricted and do not provide the level and quantum of support which we need within the timescales we need. Closure of the EMS will deprive vulnerable children from accessing education and responding to their needs. If Greatwood closes there is no clarity about any replacement	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			services, the funding available for the resource (which is already inadequate) and the location of that resource. There has been a total lack of honest engagement with front line providers, parents and communities on this matter. We have been told at presentations that changes are supported by local heads. But I can't find a single head who supports EMS closure. I would ask that the Local Authority pauses, engages more coherently with all stakeholders and look at how it can make Existing EMS provisions more effective and responsive to need rather than taking them away from Craven.			
48	Governor	Greatwood School	As a member of the school governing team at a school who has used the Greatwood EMS we are greatly concerned about the proposals. The school has found the use of the EMS provision highly valuable, and even though there are challenges in ensuring that school has sufficient access to this source of support we believe the new proposal will result in even more difficulties in accessing support for pupils within school. The current proposal remains unclear about how support would be continued to meet the needs of vulnerable children in our school. The service is already stretched, underfunded and understaffed, and there is no clarity in the plans on how this will improve. We can only envisage that pupils in need of this support will be less likely to receive it in the coming years.		X	A lack of adequate consultation with service users has taken place.
49	Other	Barwic Parade	My answer is in regard to removal of any SEND provision in the Selby area. Under the Children and Families Act 2014, shouldn't all schools have some SEND provision? How is removing SEND provision at this and other schools meeting the objective of children attending schools local to them. Surely the only way for ALL children to attend a school close to home is by ensuring provision for all needs in all mainstream schools. Neither does it meet NYCC claim for 'inclusion' as some children will very much be excluded. NYCC should look to Scotland, which also covers a large		X	This is being rushed through under 'Emergency powers', whilst schools are virtually closed, which seems a little underhand, to say the least.

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			rural area, where SEND (know as Additional Support Needs in Scotland) provision is very much IN mainstream schools.			
50	Governor	Embsay	<p>I would like to make various points in relation to this 'consultation' regarding the closure of Embsay as an EMS providing support for children with C&I needs. First of all it seems somewhat late as notice of decommissioning was given in May 2019 and the redundancy process that it entailed is now almost complete. I would therefore query whether as a matter of law this process is correct. Much of the focus within the Strategic Plan has been on replacing the current outreach provision with targeted provision. I have previously expressed my views regarding the need for this within Craven and the reasons why Embsay is not appropriate for such a provision. There has been far less focus (or indeed consultation) on how to continue to meet the needs of children who are not in need of a targeted provision place (even if there were to be such provision within the Craven area) but who currently need high levels of support from our outreach team. At the time of school closure the Embsay team had 64 children on their caseload and continue to be in contact with these children as best they can. Support for other children with C&I needs in Craven is also provided by specialist members of the Central team. It is accepted by all parties that C&I needs will only increase in the future. The current situation is that my specialist teacher and specialist practitioner provide advice and support across the Craven area. When the EMS based at Hookstone Chase was providing similar support for children in the Harrogate, Knaresborough and Ripon area, their staffing level was a teacher in charge, 1 specialist teachers and 2 specialist practitioners. Central team currently has one specialist teacher and 2 specialist practitioners who provide support across both areas. Under the proposed new locality arrangements, Craven has been merged with Harrogate,</p>	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			Knareborough and Ripon with a total C&I staffing level of two specialist teachers and 3 specialist practitioners, compared to historical			
51	Other	Greatwood School	It is a great shame that Greatwood school will no longer be an EMS and provide outreach.	X		
52	Staff	Greatwood School	Decommissioning of EMS at Greatwood will greatly reduce the SEND provision in Craven. The EMS staff are responsible for enabling primary aged children with SEMH in Craven to remain engaged in education and facilitate their re-entry into appropriate settings as and when they are able. I would suggest you re-think decommissioning of the EMS.	X		
53	Staff	Embsay	If Craven is to be merged with Harrogate, Ripon and Knareborough for outreach and there is no inreach provision in our locality there will be little or no provision for children in the Craven area. As a school over many years we have built trusting and respectful relationships with staff at Embsay EMS and we rely heavily upon them for guidance and support. To lose their vast knowledge and experience will be a massive loss for pupils, parents and staff. As a mainstream school we are totally inclusive but often require advice from professionals who are experts in their fields, sharing the support of a handful of experts between Harrogate, Ripon and Knareborough will not work. This cost cutting exercise means that children offered additional support won't see it for several months because resources are already being stretched too thin. Many of the new posts have not been allocated, whilst existing EMS services are already being decommissioned. The result of your proposal will mean that our most vulnerable children and their families will struggle to access the support the County has promised them and as SENCOs/schools we are left in an abyss of uncertainty and waiting lists whilst trying to manage the need of pupils in our care. Your proposal is not acceptable, these		X	I do not understand why are we being consulted now when the EMS schools are already being decommissioned? Is this consultation even going to have an impact on your plan? It seems that decisions have already been made and actions taken before the consultation process is complete.

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			vulnerable pupils and their families deserve to receive the support they need and schools need to be supported to do that properly. Decommissioning Embsay EMS will be detrimental to that.			
54	Staff	Central C&L (Upper Wharfedale School)	If Craven is to be merged with Harrogate, Ripon and Knaresborough for outreach and there is no inreach provision in our locality there will be little or no provision for children in the Craven area. As a school over many years we have built trusting and respectful relationships with staff at Upper Wharfedale School EMS and we rely heavily upon them for guidance and support. To lose their vast knowledge and experience will be a massive loss for pupils, parents and staff. As a mainstream school we are totally inclusive but often require advise from professionals who are experts in their fields, sharing the support of a handful of experts between Harrogate, Ripon and Knaresborough will not work. This cost cutting exercise means that children offered additional support won't see it for several months because resources are already being stretched too thin. Many of the new posts have not been allocated, whilst existing EMS services are already being decommissioned. The result of your proposal will mean that our most vulnerable children and their families will struggle to access the support the County has promised them and as SENCos/schools we are left in an abyss of uncertainty and waiting lists whilst trying to manage the need of pupils in our care. Your proposal is not acceptable, these vulnerable pupils and their families deserve to receive the support they need and schools need to be supported to do that properly. Decommissioning Upper Wharfedale EMS will be detrimental to that.		X	I do not understand why are we being consulted now when the EMS schools are already being decommissioned? Is this consultation even going to have an impact on your plan? It seems that decisions have already been made and actions taken before the consolation process is complete.
55	Parent	Embsay	My daughter has just received a diagnosis for ADS. She is in Year 6, the process started when she was in Year 2. She was due to take receive some sessions with a specialist to help with the challenges that transition to Secondary school		X	It isn't straight forward to find the link to the actual survey (it's almost as if it's been deliberately hidden).

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			will present. The specialist was based at Embsay and I'm very concerned now that my daughter may not get the help and support she needs. We are in High Bentham so already at a disadvantage when it comes to access to support and services. It is vital that children and young adults have access to these specialist services to help them to develop strategies to cope with everyday life. To have waited so long for a diagnosis to then be faced with no local provision is devastating. Please, our children need support too!			
56	Staff	Embsay	Currently this provision supports the needs of children within the UWPF who have Cand I needs. The outreach members of staff have worked closely with our school communities, including HTs, staff, children and parents. It is unclear as to what are the benefits of replacing this outreach provision with the targeted provision you propose. With particular reference to North Craven and the rural locality of schools in the area, it is difficult to understand that a team covering Harrogate, Knaresborough and Ripon will have the capacity, time and local knowledge to cover such a vast area.	X		
57	Gover nor	Embsay	I would like to make various points in relation to this 'consultation' regarding the closure of Embsay as an EMS providing support for children with C&I needs. I understand that the notice of decommissioning was given in May 2019 and the redundancy process that it entailed is now almost complete. I would therefore like to query whether the proper legal consultation process was followed. The Strategic Plan seeks to replace the current Outreach provision with Targeted provision, however the matter of how to continue to meet the needs of children who are not in need of a targeted provision place, but who currently need high levels of support from our outreach team. My understanding is that the Embsay team has 64 children on their caseload and continue to be in contact with these children as best they can during the current lockdown. Support for other children with C&I	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			needs in Craven is also provided by specialist members of the Central team. It is accepted by all parties that C&I needs will only increase in the future. Under the proposed new locality arrangements, Craven has been merged with Harrogate, Knaresborough and Ripon with a total C&I staffing level of two specialist teachers and 3 specialist practitioners, compared to historically 4 teachers and at least 5 specialist practitioners. This level of staffing is insufficient to provide the high level of support which currently enables all these children to remain within their local schools. Without this support the headteachers & governors of the CASTLE Alliance are of the view that needs will escalate leading to far more support being needed, either in terms of exclusions or schools simply being unable to meet need.			
58	Other - Children and Families Service Professional	Greatwood	I think the Targeted provision through Greatwood EMS is a comprehensive, supportive and specialist provision that would be a great loss to everyone within the children and families and education workforce. I have worked in conjunction with the staff there to get several children school ready and if this provision was not in place I suspect those children would still not be accessing any educational provision. The knock on effect of this would be profound, not only on outcomes for children but also on the workload that Early help, in particular, can manage.	X		
59	Parent	Greatwood	I personally think the EMS units should be staying open. If it wasn't for the EMS I don't know what we would have done with our son. Mainstream School weren't meeting his needs nor was the environment. He was permanently excluded just before he turned 10 (year 5) he's been going to the EMS unit since his exclusion and in that time his EHCP has been submitted and we are now looking at Specialist Schools for him. Where would he have gone if the EMS units weren't there? Where will other children in that situation go? There is already a huge worry about where my son will go in	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			September if a new School is not yet decided on. There needs to be somewhere for the in between stage for children to go to. It's an environment some Schools just can't offer.			
60	Governor	Embsay	<p>It is important to highlight the following with regard to this 'consultation' regarding the decommissioning of the EMS services providing support for children with C&I needs and for those with behavioural issues. Notice of decommissioning was given in May 2019 and the redundancy process that it entailed is now almost complete. I would therefore query whether as a matter of due process this is lawful. Much of the focus within the Strategic Plan has been on replacing the current outreach provision with targeted provision. There has been far less focus (or indeed consultation) on how to continue to meet the needs of children who are not in need of a targeted provision place (even if there were to be such provision within the Craven area) but who currently need high levels of support from our outreach team. At the time of consultation there were 64 children on the C and I caseload and contact is being continued with these children wherever possible. Support for other children with C&I needs in Craven is also provided by specialist members of the Central team. It is accepted by all parties that C&I needs will only increase in the future. The current situation is that the specialist teacher at Embsay and specialist practitioner provide advice and support across the Craven area. When the EMS based at Hookstone Chase was providing similar support for children in the Harrogate, Knaresborough and Ripon area, their staffing level was a teacher in charge, 1 specialist teachers and 2 specialist practitioners. Central team currently has one specialist teacher and 2 specialist practitioners who provide support across both areas. Under the proposed new locality arrangements, Craven has been merged with Harrogate, Knaresborough and Ripon with a total C&I staffing level of two specialist teachers and 3</p>	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			specialist practitioners, compared to historically 4 teachers and at least 5 specialist practitioners. This staffing is insufficient and will lead to failure to meet need.			
61	Governor	Central C&L (Upper Wharfedale School)	I am a governor at the Upper Wharfedale Federation of Primary Schools (Grassington, Kettlewell, Burnsall and Cracoe). There are to be no targeted schools in Craven This may mean a CYP with very high needs may not be able to be educated in his/her home area. Very vulnerable children should not be transported long distances or out of their community. The consultation document states CYP "should be able to attend a school or provision locally, where they can make friends and be part of the local community." The Strategic Plan does not allow for this in Craven. Early intervention for CYP who are struggling will not be possible because of reduced staffing and capacity. Schools do not always have the specialist knowledge to effectively manage the needs of CYP with high need SEND. The outreach teams at the 3 Craven EMS employed highly trained specialist teachers and ATAs to advise and support schools to meet the needs of these pupils. Under the proposed locality arrangements, Craven has been merged with Harrogate, Knaresborough and Ripon, forming a vast area. With the reduced levels of staffing, it seems unlikely that practitioners could develop an understanding of the context and capacity of the primary schools in Craven. This is likely to be particularly challenging with some of the very small schools in Craven where there may only be two teachers, both teaching an entire key stage with mixed age pupils. The document 'Consultation on the removal of Enhanced Mainstream Provision for CYP with SEND at Upper Wharfedale School states "We have developed a strategic plan for education children with SEND which aims to CREATE A BETTER OFFER of provision for CYP, improved communication, ENABLE MORE LOCAL DECISION MAKING and reduce	X		

Consultation responses – Targeted mainstream provision

ID	Type	Name of School	With regard to the school you have selected, what observations or suggestions do you have on our proposals:	Easy to Understand?		If no, please suggest improvements we could make:
				Y	N	
			costly out of county placements." I have added the capital letters to highlight issues I consider to be of particular concern. How can these issues be effectively addressed when Craven is to be subsumed into Harrogate, Knaresbrough and Ripon?			

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

(Form updated April 2019)

Targeted Enhanced Provision

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



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

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

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

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

Name of Directorate and Service Area	Children and Young People's Services
Lead Officer and contact details	Chris Reynolds
Names and roles of other people involved in carrying out the EIA	Chris Reynolds Nikki Joyce Carol Ann Howe Jane Le Sage
How will you pay due regard? e.g. working group, individual officer	
When did the due regard process start?	The new EMS proposals were developed as part of the SEND Strategic Plan for Educational provision which was approved in September 2018. The development of the Plan was undertaken by a number of officers across CYPs and was overseen by the AD for Inclusion. There was significant public consultation on all aspects of the Plan before its finalisation

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

The EIA considers the implications of the changes in the model for enhanced mainstream schools from September 2020. We are decommissioning the current model which focusses on providing

outreach support to children and young people with SEND. From September 2020 we intend to recommission a targeted mainstream provision which is based on a place based model

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

The changes are being proposed to create more support for children with EHC Plans in mainstream schools. Currently when a child has exhausted the support from the EMS it is likely they will undergo statutory assessment and move into special school. This proposal will allow the creation of over 200 supported places in mainstream school for children with SEND.

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

Children with SEND will have a greater opportunity to remain in mainstream school as they will have to enhanced support and a resource area when required. The new model will also provide more choice for parents/carers as to where their child will receive their education.

The staff working in the new targeted provision schools will have access to higher levels of training to ensure that they have the required knowledge and skills to support the children attending their schools via the Targeted Provision.

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

Consultation was undertaken as part of the development of the SEND Strategic Plan for Educational Provision. Further consultation is about to commence on more details including the schools identified for Year 1 roll out and the model of delivery

The local authority undertook a public consultation between 6th February and 15th March 2020 which involved an on line survey together with 11 public meetings in localities and a specific meeting for the current enhanced mainstream schools.

Between 27 April 2020 and 22 May 2020 a school organisation consultation has been started in relation to the schools affected designation. The consultation involved public meetings via online platforms and a survey. This aspect of the consultation was with regards to the changing of school designations either to add, remove or amend SEN provision.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs? Please explain briefly why this will be the result.

It is hoped that the proposals will ensure that more children and young people can have their needs met in North Yorkshire. This will mean that more children will be able to access mainstream school with enhanced support for their special educational needs. The proposals provide more choice for parents if they wish their child to remain in mainstream school. In turn this should reduce the pressures on NY special school placements and mean that they have more capacity and places available for children whose assessed needs identify a specialist placement is required.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			
Disability		x		Children with SEMH and C&I needs will have greater opportunities to remain in mainstream provision whilst receiving the appropriate levels of support to access the mainstream curriculum and wider opportunities within the school
Sex	x			
Race	x			
Gender reassignment	x			
Sexual orientation	x			
Religion or belief	x			
Pregnancy or maternity	x			
Marriage or civil partnership	x			

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		x		Children and young people with EHCPs will have more opportunity to remain in a more local mainstream school. This will reduce travel time and provide more social opportunities for children. In Year 1, 9 schools have expressed an interest in becoming a targeted provision out of a total of 31. This means that some areas will not benefit from the opportunity of a supported placement in mainstream school in year 1. However, the children and young people will still have access to outreach support from the SEND locality hubs when the current EMS are decommissioned.
...have a low income?	x			
...are carers (unpaid family or friend)?	x			

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	x
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	
<p>The new targeted provisions will be established across all localities as detailed in the Strategic Plan</p> <p>In Year 1 we will achieve the first 9 targeted provisions. All areas except for Ryedale and the Craven area will have some targeted provision and we will build on this in Years 2 and 3 of roll out.</p> <p>Children and young people and schools will still be able to access outreach provision via the SEND Hubs.</p> <p>Day 6 provision for primary aged children is currently being planned to ensure that the local authority is able to fulfil its statutory duty in terms of education provision for permanently excluded children.</p>	

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.
<p>The proposals may have an impact on children with a combination of protected characteristics. However, this should be a positive impact as more children with EHCPs can have their needs met locally. Children with SEND in mainstream schools will still receive the support they require through the locality based SEND Hubs</p> <p>There will be a potential impact on the staff in the current enhanced mainstream schools if the school is being decommissioned. Some staff may be at risk of redundancy. We are mitigating against this risk by ensuring staff are aware of current vacancies within the Inclusion service and they may also have the opportunity to move to alternative roles within their school. If they are employed by the Inclusion Service we will try to ensure they are based in an appropriate hub area to reduce unnecessary travel time and ensure a good home work balance.</p> <p>Vacancies have been shared with head teachers and staff of mainstream enhanced schools and some staff have been appointed into the central hub roles.</p>

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove	x

these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. <i>(Include any advice given by Legal Services)</i></p> <p>This option has been chosen (pre consultation) as this proposal gained positive support from parents and stakeholders in the development of the Strategic Plan. It strengthened the education continuum for children with EHCPs and helps us to fulfil our principles in terms of children being able to be educated as locally as possible.</p> <p>The risk to staff and future employment is subject to mitigating action to reduce risk of unemployment.</p> <p>Post consultation</p> <p>Consideration has been given to the consultation responses. Some responses disagree with aspects of the proposal on the basis of maintaining the existing model of EMS. This has been taken into account. The proposed new model has made provision for the functions of the current EMS to continue but arranged in a different way. Locality Hubs will deliver continued outreach support to mainstream schools whilst the proposed Targeted Provisions will provide a more comprehensive offer of full time places for children with SEND. Some feedback also raised concerns about the numbers of places available but this will be addressed as the full roll out of the targeted provision is achieved.</p> <p>Discussion are continuing with schools who have expressed an initial interest to be considered for Year 2 roll out.</p> <p>We do not consider the need to change the proposal.</p>	

<p>Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)</p> <p>The local authority will be working closely with the schools to ensure that the targeted provision is set up effectively and schools receive high levels of advice and guidance. The targeted provision staff will receive support from the relevant SEND lead within the local authority to ensure that any issues can be shared and resolved and good practice identified. Regular reports will be taken to the Locality Board detailing the progress in development of the provision.</p> <p>Parent and children and young people will be asked for feedback on an annual basis as part of the annual review process and contract management process.</p> <p>A post implementation review will be undertaken in July 2021 when the new provision has been open for 6 months and lessons used to inform the roll out of Year 2 and 3 schools</p>
--

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.				
Action	Lead	By when	Progress	Monitoring arrangements
Support and guidance to schools	Lead SEND officer	Complete by October		Inclusion Management and Locality Boards
SLA signed off	LA	October		Contract management by the LA

4 weekly meetings with targeted schools	LA	September onwards		
Post implementation review	LA	July 2021		

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

The new targeted provision will provide an increased opportunity for children and young people with EHCPs to remain in mainstream school. Outreach support will continue as usual but will be delivered by the staff in the SEND Hubs to allow the targeted provision to focus on place based provision. Schools, children and young people will have access to a wider range of professionals to meet need including therapists, specialist staff and practitioners. All localities will have access to a SEND Hub and be able to access its offer of support. The hubs also provide the opportunity for greater collaboration with health and early help colleagues ensuring a joined up approach to meeting the holistic needs of the child and family.

Section 14. Sign off section

This full EIA was completed by:

Name: Chris Reynolds

Job title: SEND Provision and Resources Manager

Directorate: CYPS

Signature:

Completion date: 16.3.20

Authorised by relevant Assistant Director (signature):

Date: 16.3.20 Reviewed: 26.5.20

NORTH YORKSHIRE COUNTY COUNCIL

Notice is given in accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that North Yorkshire County Council intends to make prescribed alterations to:

PROPOSALS TO ADD PROVISION FOR SPECIAL EDUCATIONAL NEEDS: SOCIAL, EMOTIONAL AND MENTAL HEALTH IN THE FORM OF TARGETED PROVISION AT MAINSTREAM SCHOOLS:

1. The Wensleydale School, Richmond Road, Leyburn DL8 5HY
2. Selby High School, Leeds Road, Selby YO8 4HT.
3. Hambleton and Richmondshire Pupil Referral Unit, East Road, Northallerton DL6 1SZ.
4. Scarborough Pupil Referral Unit, Valley Bridge Parade, Scarborough YO11 2PG.

from 1 September 2020 to add provision reserved for children with special educational needs. This will support up to 8 full time pupils with Social, Emotional and Mental Health needs at each school and each pupil referral unit.

PROPOSALS TO ADD PROVISION FOR SPECIAL EDUCATIONAL NEEDS: COMMUNICATION AND INTERACTION IN THE FORM OF TARGETED PROVISION AT MAINSTREAM SCHOOLS:

1. Grove Road Community Primary School, Grove Road, Harrogate, North Yorkshire HG1 5EP.
2. Alverton Primary School, Mount Road, Northallerton DL6 1RB.

from 1 September 2020 to add provision reserved for children with special educational needs. This will support up to 8 full time pupils with Communication and Interaction needs at each school.

PROPOSALS TO FORMALLY REMOVE PROVISION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS FROM THE FOLLOWING MAINSTREAM SCHOOLS (PREVIOUSLY DESIGNATED AS ENHANCED MAINSTREAM SCHOOLS)

1. Embsay Church of England Voluntary Controlled Primary School, Pasture Road, Embsay, Skipton, North Yorkshire, BD23 6RH.
2. Kirkbymoorside Community Primary, Westfields, Kirkbymoorside, York, North Yorkshire YO62 6AG.
3. Thorpe Willoughby Community Primary School, Londesborough Grove, Fox Lane, Thorpe Willoughby, Selby, North Yorkshire, YO8 9NX.
4. King James's School, King James Road, Knaresborough, North Yorkshire, HG5 8EB.
5. Bedale Church of England Primary School, Firby Road, Bedale DL8 2AT.
6. Bedale High School, Fitzalan Road, Bedale DL8 2EQ.
7. Thirsk Primary School, Hambleton Place, Thirsk YO7 1SL.
8. Barrowcliff Primary School, Ash Grove, Scarborough YO12 6NJ.
9. Lady Lumley's School, Swainsea Lane, Pickering YO18 8NG.
10. Malton School, Middlecave Road, Malton YO17 7NH.
11. Barwic Parade Community Primary School, Petre Ave, Selby YO8 8DJ.
12. Greatwood Community Primary School, Pinhaw Rd, Skipton BD23 2SJ.
13. Upper Wharfedale School, 1 Wharfeside Ave, Threshfield, Skipton BD23 5BS.
14. Mill Hill Community Primary School, Crosby Road, Northallerton DL6 1AE.

from 1 September 2020 to remove the provision reserved for children with special educational needs which the schools have held since 2010 when they were designated as Enhanced Mainstream Schools.

These Notices are extracts from the complete proposal. Copies of the complete proposals can be obtained from Strategic Planning 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

<https://www.northyorks.gov.uk/current-consultations>

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 Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton DL7 8AE, by 5pm on [17 July##](#) 2020.

Signed: Barry Khan Assistant Chief Executive, Legal and Democratic Services

Publication Date: [19 June 2020](#)

Explanatory Notes:

The proposals set out above are not related.

DRAFT

Statutory proposals for Prescribed Alterations – Mainstream Schools

PROPOSALS TO ADD PROVISION FOR SPECIAL EDUCATIONAL NEEDS: SOCIAL, EMOTIONAL AND MENTAL HEALTH IN THE FORM OF TARGETED PROVISION AT MAINSTREAM SCHOOLS

Contact Details for Proposer

Proposal published by North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, to make prescribed alterations to the following schools:

Schools and Pupil Referral Units affected by proposals:

1. The Wensleydale School, Richmond Road, Leyburn DL8 5HY
2. Selby High School, Leeds Road, Selby YO8 4HT.
3. Hambleton and Richmondshire Pupil Referral Unit East Road, Northallerton DL6 1SZ.
4. Scarborough Pupil Referral Unit Valley Bridge Parade, Scarborough YO11 2PG.

These four proposals form part of the same strategy but are not technically related proposals. This means that the decision makers could choose to approve one or more proposals without affecting their decisions on the other proposals.

PROPOSALS TO ADD PROVISION FOR SPECIAL EDUCATIONAL NEEDS: COMMUNICATION AND INTERACTION IN THE FORM OF TARGETED PROVISION AT MAINSTREAM SCHOOLS

Schools affected by proposals:

1. Grove Road Community Primary School, Grove Road, Harrogate, North Yorkshire HG1 5EP.
2. Alverton Primary School, Mount Road, Northallerton DL6 1RB.

These two proposals form part of the same strategy but are not technically related proposals. This means that the decision makers could choose to approve one or more proposals without affecting their decisions on the other proposals.

Implementation

It is proposed to formally establish the special provisions on 1 September 2020 however, the provisions will seek to take pupils on their roll from January 2021.

Description of alterations and evidence of demand

Background to Proposals

We have a duty to keep our special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

We want all children and young people with SEND in North Yorkshire to:

- have the best educational opportunities so that they achieve the best outcomes;
- be able to attend a school or provision locally, where they can make friends and be part of their local community; and
- make progress with learning, have good social and emotional health and be prepared for a fulfilling adult life.

We know that there are more children and young people being identified as having special educational needs in North Yorkshire and we expect this increase to continue. We need to make sure that we have the right type of education provision in the right place to meet their needs. We know that a number of our children and young people have to go to school outside North Yorkshire, and we want to avoid this wherever possible.

We have developed a strategic plan for educating children with SEND which aims to create a better offer of provision for children and young people, improved communication, enable more local decision making, and reduce costly out of county placements. This plan was approved in September 2018 and we are now implementing the actions within it.

Targeted Mainstreams Schools

As part of the SEND plan the Targeted mainstream schools will provide enhanced levels of specialist support over and above that usually available in mainstream schools. They will provide an appropriate environment and personalised support for children and young people with SEND, who are able to access mainstream learning.

The staff within the school will be highly trained in SEND and will have access to SEND professionals such as educational psychologists, speech and language and

occupational therapists.

What will the provision look like?

Schools have the flexibility to refine their model of delivery but in general the new provision will:

- Provide a minimum of 8 full time places for 6 children and young people with an Education, Health and Care Plan and 2 'flexible' places for children needing to access the provision for short term assessment and support.
- Specialise in meeting the needs of children and young people with Social, Emotional and Mental Health or Communication and Interaction needs at primary and secondary level
- Have access to a range of therapies and training opportunities to ensure children are fully supported
- Increase the opportunities for children and young people with SEND to access mainstream education together with more specialised small group interventions and support
- Be funded on a 'place' basis similar to special schools and in line with national guidance. They will receive £10,000 per place and top up funding in accordance with our Banding system. We expect the top up funding to be between £4,780 to £7,570 per place (banding levels as of 2019/2020 financial year)

And:

- Children who access the flexible placements will remain on the roll of their own school
- Each targeted provision will receive direct funding of approximately £120-130,000 per year

Objectives

The main objective of these proposals and other similar proposals being published simultaneously is ensure that the appropriate provisions are in place to implement the policy of Targeted Mainstream provision which has been agreed by Local Authority, following public consultation, as a key part of the SEN Strategic Plan. The underlying objective of the whole strategy is to ensure that there are sufficient places at which Pupils with SEN can get the education they deserve within the most appropriate setting.

Targeted Mainstream Provision is intended to address a gap in the continuum of provision that currently exists due to there being insufficient full time places for children

and young people whose needs dictate that they need significant additional support as well as access to a mainstream school curriculum.

To address this gap the local authority developed a proposal for a new model of targeted provision which was approved as part of the strategic plan in September 2018.

The development of targeted provision is in line with the principles described in the Strategic Plan which promotes an inclusive culture and ethos, joint accountability for children and young people and right support, right place, right time.

Effect on other schools, academies and educational institutions

The proposed Targeted Mainstream provisions will form part of the range of educational opportunities within North Yorkshire and will support pupils who require additional SEN support but for whom a special school placement is not appropriate. Therefore this will have a positive impact on other schools and academies. Where pupils in other schools and academies are identified as having a level of need where further support is needed than a standard mainstream school is able to provide the possibility and suitability of a placement at a Targeted Mainstream provision will be considered as an option for that pupil. Clearly this will support Mainstream Schools but will also support Special Schools by ensuring that places in Special Schools are available for pupils for whom that is the best option.

Project costs and indication of how these will be met, including how long term value for money will be achieved.

The financial model for this service has been based on the following assumptions:

- The new service will operate with 8 place provisions with each provision attracting planned place funding of £6,000 plus per pupil funding allocations where pupils are on roll in the unit, or £4,000 where places are empty at the point of the October census. This guarantees resources of circa £10,000 per place – in line with Special school funding arrangements
- Schools will receive “top-up funding” allocations in line with the assessment of

need defined in the individual pupils EHCP using the banded funding methodology, introduced in April 2019.

- It is assumed that the “top-up funding” allocations are expenditure that the authority would have incurred regardless of this development because the EHCPs are already in place
- Start-up costs up to a maximum of £10,000 earmarked for each new provision to cover learning resources, IT Revenue costs and a provision for staff learning and development

Further information regarding the detailed budget modelling is available on the NYCC website as part of the report to the Executive 9th June.

Capital Costs

Capital investment will be required to ensure that the spaces identified for the targeted provisions are fit for purpose. The initial nine schools have identified some of their needs within their bids to host the new targeted provision.

It is anticipated, from the information provided by schools applying, that costs of works at those schools needing to adapt or create additional space would be between £20,000 and £40,000. Further work is now being conducted to verify these costs with each school subject to approval from Executive.

The local authority has £232,558 of Special Provision Capital Funding (SPCF) which was approved by members to contribute to the delivery of this aspect of the Strategic Plan. This resource can be used for both academies and maintained schools. However, there is a risk that works required to establish all nine provisions exceeds the SPCF amount.

In order to mitigate this risk, consideration is being given to utilising some School Conditions Grant funding to provide a contingency should the SPCF not be entirely sufficient. School Condition Grant will not be used for Academies and therefore alternative sources of funding for this will need to be explored.

Admission and curriculum arrangements

Places at Targeted Mainstream provisions will be offered to pupils where the Local Authority has identified through an Education Health and Care Plan (EHCP) that the pupil's needs are best met at this kind of provision. The Local Authority will offer that place following consultation with the Headteacher of the Targeted Mainstream Provision.

Governance and administration

The provisions will be governed by the Governing Board and led by the Headteacher of their respective schools. The staff within the provisions will work closely with colleagues in the Locality Hubs and in the SEN teams at NYCC.

Consultation

The decision to consult upon the establishment of provisions for Special Educational Needs in the form of Targeted Provisions at Mainstream Schools was taken by the Chief Executive Officer in consultation with the Executive Member for Education and Skills on 31 March 2020. A consultation paper setting out the proposal was sent to school head teachers for circulation to staff, parents and governors. The LA also shared the proposal more widely with all NYCC schools, Parent Carer Forum, Unions and Professional associations and County Council Members. The consultation period ran from 23 April to 22 May. There have been 59 consultation responses received (Appendix 4).

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm 17 July 2020.

Statutory proposals for Prescribed Alterations – Mainstream Schools

PROPOSALS TO FORMALLY REMOVE SPECIAL PROVISION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS FROM THE FOLLOWING MAINSTREAM SCHOOLS (PREVIOUSLY DESIGNATED ENHANCED MAINSTREAM SCHOOLS)

Contact Details for Proposer

Proposal published by North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, to make prescribed alterations to the following schools:

Schools and Pupil Referral Units affected by proposals:

1. Embsay Church of England Voluntary Controlled Primary School, Pasture Road, Embsay, Skipton, North Yorkshire, BD23 6RH.
2. Kirkbymoorside Community Primary, Westfields, Kirkbymoorside, York, North Yorkshire YO62 6AG.
3. Thorpe Willoughby Community Primary School, Londesborough Grove, Fox Lane, Thorpe Willoughby, Selby, North Yorkshire, YO8 9NX.
4. King James's School, (Community Secondary School), King James Road, Knaresborough, North Yorkshire, HG5 8EB.
5. Bedale Church of England Primary School, Firby Road, Bedale DL8 2AT.
6. Bedale Secondary Bedale High School, Fitzalan Road, Bedale DL8 2EQ.
7. Thirsk Primary School, Hambleton Place, Thirsk YO7 1SL.
8. Barrowcliff Primary School, Ash Grove, Scarborough YO12 6NJ.
9. Lady Lumley's Swainsea Lane, Pickering YO18 8NG.
10. Malton School, Middlecave Road, Malton YO17 7NH.

11. Barwic Parade Community Primary School, Petre Ave, Selby YO8 8DJ.
12. Greatwood Community Primary School, Pinhaw Rd, Skipton BD23 2SJ.
13. Upper Wharfedale School, 1 Wharfeside Ave, Threshfield, Skipton BD23 5BS
14. Mill Hill Community Primary School, Crosby Road, Northallerton DL6 1AE.

These proposals form part of the same strategy but are not technically related proposals. This means that the decision makers could choose to approve one or more proposals without affecting their decisions on the other proposals.

Implementation

It is proposed to formally remove the special provisions on 1 September 2020 however, in practice as part of the NYCC Special Educational Need Strategic Plan the Local Authority has consulted upon and had approved, plans to cease to commission places at the former Enhanced Mainstream Schools.

Description of alterations and evidence of demand

Background to Proposals

We have a duty to keep our special education provision under review and ensure there is the right type of provision and enough places to meet the needs of children and young people with special educational needs and/or disabilities (SEND).

We want all children and young people with SEND in North Yorkshire to:

- have the best educational opportunities so that they achieve the best outcomes;
- be able to attend a school or provision locally, where they can make friends and be part of their local community; and
- make progress with learning, have good social and emotional health and be prepared for a fulfilling adult life.

We know that there are more children and young people being identified as having special educational needs in North Yorkshire and we expect this increase to continue. We need to make sure that we have the right type of education provision in the right

place to meet their needs. We know that a number of our children and young people have to go to school outside North Yorkshire, and we want to avoid this wherever possible.

We have developed a strategic plan for educating children with SEND which aims to create a better offer of provision for children and young people, improved communication, enable more local decision making, and reduce costly out of county placements. This plan was approved in September 2018 and we are now implementing the actions within it.

Targeted Mainstreams Schools

As part of the SEND plan the Targeted mainstream schools will provide enhanced levels of specialist support over and above that usually available in mainstream schools. They will provide an appropriate environment and personalised support for children and young people with SEND, who are able to access mainstream learning.

The staff within the school will be highly trained in SEND and will have access to SEND professionals such as educational psychologists, speech and language and occupational therapists.

Removal of Enhanced Mainstream School (Special Provision) Designation

The fifteen proposals listed above are proposed to remove special provision designations that apply to schools who were part of the previous strategy of 'Enhanced Mainstream Schools'. All schools listed provision special provision for pupils with Special Educational Needs but have not been identified to take part in the new model. Therefore is correct that they should have their designations removed to provide clarity about which Mainstream Schools provide special provision to the pupils who require it.

Objectives

The main objective of these proposals and other similar proposals being published simultaneously is ensure that the appropriate provisions are in place to implement the policy of Targeted Mainstream provision which has been agreed by Local Authority, following public consultation, as a key part of the SEN Strategic Plan. The underlying objective of the whole strategy is to ensure that there are sufficient places at which Pupils with SEN can get the education they deserve within the most appropriate setting.

Targeted Mainstream Provision is intended to address a gap in the continuum of provision that currently exists due to there being insufficient full time places for children and young people whose needs dictate that they need significant additional support as well as access to a mainstream school curriculum.

To address this gap the local authority developed a proposal for a new model of

targeted provision which was approved as part of the strategic plan in September 2018.

The development of targeted provision is in line with the principles described in the Strategic Plan which promotes an inclusive culture and ethos, joint accountability for children and young people and right support, right place, right time.

Effect on other schools, academies and educational institutions

It is not envisaged that there will be a negative effect on other schools, academies or educational institutions. The functions that have been carried out by the Enhanced Mainstream Schools will be carried out by the newly established SEND Multi-Disciplinary Hubs and the new Targeted Provision schools. The SEND Hubs will provide outreach to schools and education settings in the area and the new targeted provisions will provide a combination of placements for children with Education, Health and Care Plans and a small number of flexible in reach places. New arrangements will also be in place for the small number of children who have been permanently excluded from school and require continuity of their education from day 6 of the exclusion.

As stated above, in addition to the existing functions, the intention is to address a gap in SEND provision and improve the Local Authority's continuum of educational provision.

Head teachers of the schools to which the proposals apply are aware that this process is underway and that it forms part of the formal process of decommissioning the services which they formerly provided.

Project costs and indication of how these will be met, including how long term value for money will be achieved.

There are no projected costs for the removal of the Enhanced Mainstream School designations from the school listed above. There are costs both capital and revenue associated with the implementation of the proposals for Targeted Mainstream Provisions which are being published simultaneously to these proposals. For full details please refer to the attached documents relevant to those proposals.

Admission and curriculum arrangements

They will also no longer need to provide the staffing for these pupils. In practice schools have undertaken restructures following the decommissioning of the services within their schools by the Local Authority. Some of the staff from within these provisions have applied and been successful in their applications to work in the

Locality Hubs which will provide SEN Outreach Support to schools under the new models of SEN support set out in the SEN Strategic Plan.

Governance and administration

The schools' Governing Boards will no longer be responsible for a special provision attached to their mainstream school.

Consultation

The decision to consult upon the establishment of provisions for Special Educational Needs in the form of Targeted Provisions at Mainstream Schools was taken by the Chief Executive Officer in consultation with the Executive Member for Education and Skills on 31 March 2020. A consultation paper setting out the proposal was sent to school head teachers for circulation to staff, parents and governors. The LA also shared the proposal more widely with all NYCC schools, Parent Carer Forum, Unions and Professional associations and County Council Members. The consultation period ran from 23 April to 22 May. There have been 59 consultation responses received (Appendix 4).

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm 17 July 2020.

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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 guidance¹. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the County Council’s Executive) acting as decision-makers.

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

	Austwick CE VA Primary School	Bentham CP School	Ingleton CP School
Distance from Clapham	2.0 miles	5.5 miles	4.7 miles
Capacity	70	210	180
No. on roll	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.² 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;

² 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.

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

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

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

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"> • Introduction to the Panel • Short statement about background • Handover to LA Officer for presentation 	County Cllr Patrick Mulligan
7.00	Presentation <ul style="list-style-type: none"> • The proposal • Background to the proposal • Pupil numbers and housing • Finances • Local Schools • Catchment area • How can people comment 	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>

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>

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.

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 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>

	<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 & 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.	<p>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.</p>
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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.

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>

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) 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.

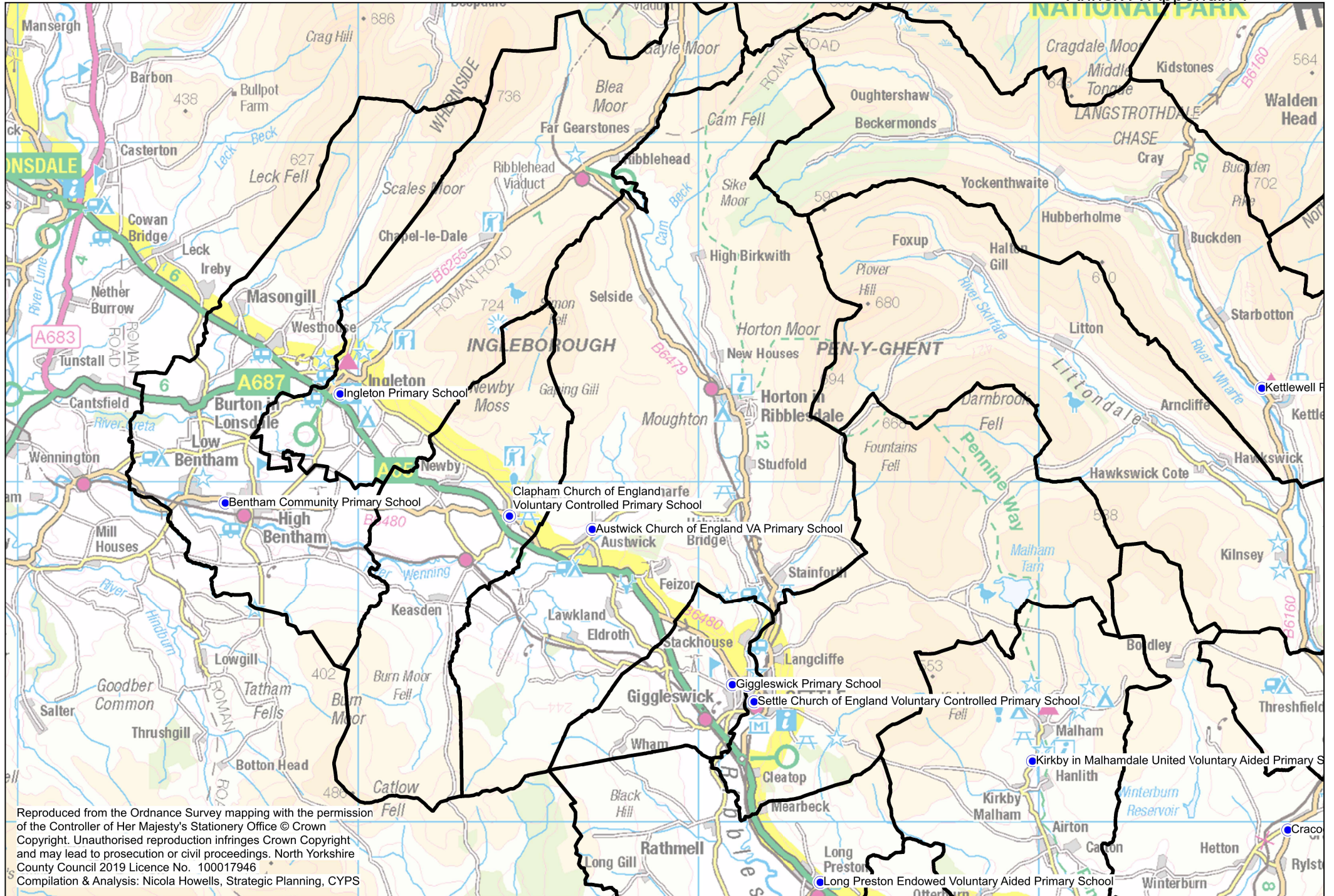
The LEA closed Keasden School in October 1946, closed Newby School in 1977, closed Horton School in July 2017 and now plans to close Clapham School in 2020. This cannot be the way to support small rural communities. The LEA is clearly failing to uphold NYCC policy towards those communities, it is indeed 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

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 CE Primary 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"> 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. 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. 3. Following on from point 2 this increases the detrimental impact on the environment. 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. 5. Part of the route between CPS and BCPS is along the busy A65 road. 6. Due to more traffic enroute and longer journeys the school day would be longer for pupils travelling to BCPS than to IPS. 7. The decision compromises the rights of parents to send children to a school of their choice. 8. It discriminates against less well-off parents who depend upon the local authority assisting with school transport. 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. 	Ingleton CP 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 parents¹ 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):
 - a copy of the statutory proposal
 - a copy of the statutory notice
 - a copy of the decision record on the proposal.
- The School Organisation Team will make the necessary updates to the [Get Information About Schools](#) (GIAS) system

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

2: 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) 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) 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 ² (Schools Adjudicator where the LA is involved in the Trust of a proposed foundation school)	No

² 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 ³	The Diocesan Board of Education of any CofE diocese in the relevant area. The bishop of any Roman Catholic church in the relevant area. 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 ⁴ ; Proposers The Diocesan Board of Education of any CofE diocese in the relevant area. 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.

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

⁴ 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 proposal⁵ 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

⁵ 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 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 proposers⁶.

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.

⁶ 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 community⁷.

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.

⁷ 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 school⁸:

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator? ⁹
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. The bishop of any Roman Catholic church in the relevant area.

⁸ 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.

⁹ 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? ⁹
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 provisions¹⁰, 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

¹⁰ 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 direct¹¹ 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.

¹¹ 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 opening¹² and closing¹³ 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 1¹⁴ 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.

¹² Under sections 10 and 11 of EIA 2006

¹³ Under section 15 of EIA 2006

¹⁴ 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);
- 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 conditions¹⁵ (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)
- 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) 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.

¹⁵ 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) 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)
- 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 conditions¹⁶ (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.

¹⁶ 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)
- 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) 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 community¹⁷.

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](#).

¹⁷ 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)
- 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 approval¹⁸. 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) 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;

¹⁸ 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 school¹⁹;
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group²⁰;
- 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;

¹⁹ Under section 176 of the Education Act 2002.

²⁰ 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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NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

9 June 2020

DEVELOPER CONTRIBUTIONS FOR EDUCATION

Report by the Corporate Director – Children and Young People’s Service

1.0 Purpose of Report

- 1.1 To report the outcome of public consultation on a revised policy for developer contributions for education.
- 1.2 To seek approval to implement the updated policy from 1 July 2020.

2.0 Executive Summary

2.1 In the light of changes to legislation and updated government guidance, the County Council has consulted on an updated policy for developer contributions for education. This includes the following proposals:

- Requesting Section 106 contributions for education across the County;
- Continuing to use our existing method for assessing whether a primary or secondary education contribution is required;
- Following DfE’s preferred cost per place (using national average costs published in DfE school place scorecards);
- Lowering the thresholds for seeking primary education contributions to 10 houses and for secondary education contributions to 25 houses;
- Introducing requests for contributions for Special Educational Needs and Disabilities (SEND) and Early Years for larger developments;
- Recommending the use of model clauses in Section 106 agreements for education contributions and for new education sites.

2.2 Further analysis has been carried out to compare North Yorkshire’s proposals for developer contributions with those of our nearest neighbour county councils, showing that the proposals would be comparable and the total cost per house would remain below the average for this group.

2.3 It is proposed to implement the updated policy from 1 July 2020.

3.0 Background

3.1 Local authorities can seek to negotiate a contribution from developers towards the cost of meeting infrastructure necessary to support their development. For education this means asking for a contribution towards the cost of extending or reconfiguring an existing school or setting, or building a new one.

3.2 Developer contributions are secured by means of conditions attached to a planning permission, either a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL).

- 3.3 A Section 106 agreement is a legal obligation by a person with an interest in the land and the local planning authority to mitigate the impacts of a development proposal. This can secure a contribution directly payable to the County Council for education (or direct provision of a school 'in kind') but the obligation must be:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development
 - Fairly and reasonably related in scale and kind to the development.
- 3.4 Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area and use to fund infrastructure.
- 3.5 Changes to the regulations governing Section 106 agreements and CIL were made in September 2019. Updated Government guidance documents set out how local authorities can best seek both funding for the construction of more school places and suitable land from developers:
- Ministry of Housing, Communities and Local Government (MHCLG), Planning practice guidance, 'Planning obligations' (September 2019);
 - Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019).
- 3.6 North Yorkshire's policy for developer contributions for education dates back to 1997 and uses historic DfE cost multipliers for primary and secondary provision which have remained unchanged since 2009. Based on this, several of the borough and district councils in North Yorkshire, as the Local Planning Authorities (LPA) for their areas, have produced supplementary planning documents or guidance on developer contributions for education as part of their Local Plans for development.
- 3.7 Some LPAs (Hambleton, Ryedale, Selby) have introduced CIL. The County Council has indicated its education infrastructure needs through Regulation 123 lists (now abolished), which listed the infrastructure intended to be funded through CIL in these districts, but there is no certainty that this funding will be made available from CIL as other projects and infrastructure may be given priority. This represents a potential shortfall in capital funding for the County Council.
- 3.8 Should the Executive approve the County Council's revised policy on developer contributions for education, it will be for each LPA to decide how and when they will seek to adopt this revised policy as part of their Local Plan. This revised policy aims to provide the justification and evidence for developer contributions for education that may be sought and will become a material consideration in determining planning applications but it cannot ensure that the County Council will be able to secure these obligations.
- 4.0 **Proposals**
- 4.1 In the light of the changes outlined above, we have consulted on a new draft County Council policy for developer contributions for education. The proposed policy is set out in Annex 1 with supporting appendices to the policy in Annex 2. This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:
- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years' provision;
 - when we will request contributions of land to provide sites for new or expanded schools.

- 4.2 The method of assessing whether a contribution is required will remain unchanged. The new guidance states that pupil yield factors should be based on up-to-date evidence from recent local housing developments. Recent analysis of housing developments across the County (set out in Annex 2, Appendices 2-3) provides evidence that our current yield rates are an accurate average, accepting that there are variations between sites.

Section 106 contributions

- 4.3 We propose to request Section 106 contributions for education across the County. This will also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 now allow Section 106 contributions to fund infrastructure also being partly funded by CIL. Where a Section 106 contribution for education is agreed to mitigate the impact of a specific development, the County Council will not request an education contribution from CIL revenues to mitigate the impact of the same development.

Contributions for primary and secondary provision

- 4.4 We propose to follow the DfE's preferred cost per place and use the national average costs for mainstream school places published annually in the DfE school places scorecards, adjusting national averages to reflect regional costs using Building Cost Information Service location factors.
- 4.5 We currently apply historic DfE cost multipliers which have remained unchanged since 2009. Applying the average cost for permanent expansions, derived from DfE school places scorecards, to North Yorkshire, would result in an increase in the cost of a primary place from £13,596 to £15,766 and a secondary place from £20,293 to £21,601.
- 4.6 Where a new school is required to mitigate the impact of the development, we will seek financial contributions using the average cost for a new school, derived from DfE school places scorecards, which are currently £18,630 for a primary place and £22,764 for a secondary place.
- 4.7 Thresholds for assessment currently vary across the County reflecting different policies in different LPAs:

	<u>Primary</u>	<u>Secondary</u>
Craven	15+(rural); 25+ (urban)	100+
Hambleton	CIL	CIL
Harrogate	25+	25+
Richmondshire	No threshold	No threshold
Ryedale	CIL	CIL
Scarborough	15+ (rural); 25+ (urban)	150+
Selby	CIL	CIL

- 4.8 Planning Obligations guidance sets a threshold of 10 houses for affordable housing contributions. We propose to lower the threshold (the minimum number of houses with two or more bedrooms) for which primary education contributions would be sought to 10 and for secondary education contributions to 25.

Contributions for special educational needs and disabilities (SEND) provision

- 4.9 Planning practice guidance and DfE guidance state that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

- 4.10 We propose to apply a yield of 0.01 per dwelling for SEND provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for special or alternative school places are set at four times the cost of mainstream places.

Contributions for early years provision

- 4.11 Planning practice guidance and DfE guidance state that requirements for education contributions should consider early years provision.
- 4.12 We propose to apply a yield of 0.05 per dwelling for early years provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for early years provision are set at the same rate as primary school provision.

Section 106 agreements

- 4.13 We propose to recommend the use of model clauses for education contributions and for new education sites in Section 106 agreements.

5.0 Consultation Undertaken & Analysis of Responses

- 5.1 Public consultation was undertaken from 19 February to 1 April 2020, and subsequently extended to 1 May, with LPAs, developers, schools and academies, town and parish councils, and other interested parties. This followed informal pre-consultation discussions with LPAs through the Development Plans Forum in September, Heads of Planning Meeting in January, and with individual authorities at district liaison meetings.
- 5.2 A consultation document was produced (Annex 3) to supplement the draft developer contributions policy and supporting appendices.
- 5.3 Written consultation responses were received from the following groups:

Consultee group	Number of responses
Parish/Town Councils	11
Borough/District Councils & National Park Authorities (LPAs)	7
Councillors	2
Developers	5
Schools	1
Other local authorities	1
Other organisations	2
Total responses received	29

- 5.4 The consultation responses are set out in Annex 4, together with comments on specific issues raised. The draft policy in Annex 1 contains minor amendments to wording (highlighted as tracked changes) in response to comments from consultees. The key issues arising from the consultation are set out below.

Incorporating the Developer Contributions Policy within Local Plans

- 5.5 The LPAs in North Yorkshire are at different stages of updating their Local Plans. They have also taken different approaches on how developer contributions for education have been included in their Local Plans, and this is reflected in their responses to the proposals.

- 5.6 One LPA has indicated that it may be acceptable to update the figures for the level of contributions required for primary and secondary places, without a full review of their Supplementary Planning Document, subject to taking legal advice on the matter. Several LPAs state that the changes in thresholds and new categories have the potential to impact on the viability of housing schemes, and the impact of these changes will have to be considered fully through the review and viability appraisal of the Local Plan. Several LPAs have raised the question of a viability assessment, which is discussed below.
- 5.7 The National Planning Policy Framework states policies in Local Plans should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. The Developer Contributions for Education Policy will provide an evidence base and response for the County Council to feed into Local Plan reviews.
- 5.8 It will be for each LPA to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.

Queries around cost per place

- 5.9 As highlighted in the consultation document (Annex 3), North Yorkshire currently applies the historic DfE cost multipliers which have remained unchanged since 2009. We propose to follow the DfE's preferred cost per place using the DfE school place scorecards, which will lead to cost increases (16% increase in the cost of primary expansions and 6% increase in the cost of secondary expansions). These cost increases compare with an increase in building cost inflation over the same period of between 25% and 40%. It should also be noted that the median price of a newly-built house in several districts (Selby, Craven, Ryedale) has increased by over 50%, and in Harrogate borough by more than 95%, in the same period.
- 5.10 The DfE questioned why the same SEND cost per place has been proposed for both expansions and new schools. They noted that a higher cost for a new SEND school would enable, for example, £91,056 to be charged per SEND place, for pupils over the age of 11. They also queried why the early years cost is the same for new provision as it is for expansions, as using the DfE guidance would allow the Authority to secure £18,630 per place compared to £15,766 from the approach suggested by the policy. Some other consultees also felt that the SEND cost per place was too low.
- 5.11 The choice to use the same cost per place for expansions and new schools, when calculating SEND and early years provision, was a deliberate choice in response to concerns over viability raised in pre-consultation discussions with officers in district councils. Placing a minimum threshold of 100 houses for these types of contributions also tries to limit the impact on smaller developments. It is also unlikely that the scale of individual housing allocations (or even related groups of housing allocations) in North Yorkshire would necessitate the need for a new special school. A new special school for 100 pupils would necessitate a housing development of 10,000 houses. The use of the same cost per place for expansions and new schools (in relation to SEND and early years) and higher thresholds than for primary and secondary, has been adopted by other councils including Worcestershire and Leicestershire.

Land for new schools

- 5.12 Four consultees raised the principle of land contributions, particularly where there was a desire to future-proof a school site for later potential expansion. As set out in the draft policy, National Planning Practice Guidance has an initial assumption that development will

provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development. (MHCLG, Planning Practice Guidance, Viability, paragraph 29). The DfE's recent guidance 'Securing developer contributions for education' (November 2019), states:

"While developers can only be expected to provide free land to meet the education need from their development, the allocation of additional land for education use within a development plan will make it more difficult for land owners to secure planning consent for alternative uses on that land, enabling you to acquire the site at an appropriate cost that reflects the site allocation. This ensures that land is reserved for education uses, and prevents such land being usurped by uses with a higher development value." (pp. 11-12)

- 5.13 Additional details on the preferred sizes of primary school has been added to the draft policy (Annex 1, p. 10). An updated education site suitability checklist will be produced with the assistance of the Property Service based on recent experience of securing sites in the County.

Assessments of viability

- 5.14 Responses from district councils raised concerns about the impact on the viability of schemes, and particularly on affordable housing. The County Council recognises that LPAs are best-placed to conduct viability assessments, taking into account other demands on the planning system. These are produced as part of developing Local Plans. Developers can also submit viability assessments for LPAs to consider on a site-specific basis if they feel a particular site is unable to deliver the required contributions. Our working assumption would be that as we are following national guidance and the practice of a number of other comparable county councils it should be viable in principle.
- 5.15 This has been examined further by comparing developer contributions for education in North Yorkshire with those of its nearest neighbour councils (Annex 5). This uses the CIPFA (Chartered Institute of Public Finance and Accountancy) nearest neighbour group of 15 county councils with the most similar statistical characteristics to North Yorkshire in terms of social and economic features. The total developer contributions for education requested for a development of 100 houses has been calculated in each county, by examining each county council's pupil yields, thresholds, and contributions per place.
- 5.16 This analysis shows that North Yorkshire's proposals, in terms of pupil yields, thresholds for the minimum number of houses on which assessments are made, and contributions per place, are similar to those that have been adopted by other comparator county councils. The full education contribution that would be sought when early years and SEND are taken into account is also comparable with other counties and below the average for this group. Furthermore, taking the median house price of newly built houses as an indicator of the housing market, it can be seen that North Yorkshire's current contributions are among the lowest, and the proposed contributions, with education contributions forming 3 per cent of the median house price, sit comfortably within, and still towards the lower end of, the range adopted by other county councils with similar economic and social characteristics.

6.0 Financial Implications

- 6.1 Following the DfE's preferred cost per place in North Yorkshire would result in an increase in the cost of a primary place from £13,596 to £15,766 (or £18,630 per place where a new school is required) and a secondary place from £20,293 to £21,601 (or £22,764 per place where a new school is required). On developments with a minimum threshold of 100 houses, we also propose to start seeking contributions for Early Years and SEND using

DfE recommended costs per place of £15,766 and £63,064 respectively. These rates will be updated on 1 April each year to reflect the latest published DfE school places scorecard at this date and are therefore subject to change.

6.2 For a development of 100 houses, where a full contribution is required for primary, secondary, early years and SEND, this will increase the contribution requested per house from £6,037 to £8,169.

6.3 As noted in paragraph 3.8 above, it will be for each LPA to decide how and when they will seek to adopt the revised policy as part of their Local Plan.

7.0 **Legal Implications**

7.1 The legal framework is set out in section 3 above.

8.0 **Human Rights Implications**

8.1 There are no Human Rights issues in relation to this decision.

9.0 **Other Implications**

9.1 An Equality Impact Assessment screening form has been undertaken in respect of this change and is attached at Annex 6.

10.0 **Conclusion**

10.1 Following changes to the regulations governing Section 106 agreements and CIL, and updated government guidance documents, there is a need for a new County Council policy for developer contributions for education.

10.2 Public consultation on the proposals set out in section 4 above has found support from several town and parish councils that responded, as well as reservations from district councils over implementation and viability.

10.3 Analysis of the policies of nearest neighbour councils has shown that North Yorkshire's proposals are similar to those adopted by most of these county councils, and the full education contribution proposed (including early years and SEND) to be sought per house (based on a development of 100 houses) would be below the average for this group. When the housing market is taken into account, North Yorkshire's proposed education contributions would still only place the county within the lower half of the range of its nearest neighbours.

10.4 It is therefore considered that the proposed policy would provide a reasonable basis for the County Council to make requests for developer contributions for education, while acknowledging that it would be for each Local Planning Authority to consider how the policy could be referenced within their Local Plans, and to determine on a case by case basis for each development that the obligation was:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

11.0 **Recommendation**

- 11.1 The Executive is recommended to implement the revised developer contributions for education policy from 1 July 2020, using the draft policy set out in Annex 1.

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

Report Author: John Lee – Strategic Planning Officer

Background Papers:

Report to Children and Young People’s Service, Corporate Director’s Meeting with Executive Members, 11 February 2020

Annexes:

Annex 1: Draft developer contributions policy (with minor amendments to wording highlighted)

Annex 2: Draft supporting appendices to the developer contributions policy

Annex 3: Consultation document

Annex 4: Responses received to the public consultation

Annex 5: Developer contributions for education: Comparison of North Yorkshire with nearest neighbours

Annex 6: Initial equality impact assessment screening form

Draft Developer Contributions Policy
(with minor amendments to wording highlighted)



Developer Contributions for Education policy

Proposed to be adopted May-July 2020

Introduction

North Yorkshire County Council has a statutory duty to ensure sufficient school places are available for every child under the Education Act 1996.¹ The timely provision of education infrastructure to support new housing is essential in meeting the objectives to secure high quality school places when and where they are needed.

The County Council works closely with the nine Local Planning Authorities in North Yorkshire:

- Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council, North York Moors National Park Authority, Yorkshire Dales National Park Authority.

The County Council also works closely with North Yorkshire schools, academies and other associated organisations, including:

- Maintained schools (community, voluntary controlled, voluntary aided and foundation schools, which are directly funded by the local authority);
- Academies and free schools (state-funded, non-fee-paying schools, operating through funding agreements with the Secretary of State). Free schools are new state schools, whereas many academies are converter schools that were previously maintained by the local authority;
- Multi-academy trusts, or MATs, which run groups of academies;
- Church of England and Roman Catholic Dioceses;
- Regional Schools Commissioner.

This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;

¹ Education Act (1996), Section 14.

- when we will request contributions of land to provide sites for new or expanded schools.

Policy background

National policy context

Section 106 of the Town and Country Planning Act 1990 as amended by the 1991 Act enables local authorities to seek to negotiate a contribution from developers towards the cost of meeting the infrastructure necessary to support their development. The guidance on planning obligations in the National Planning Policy Framework states:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.²

For education this will mean asking housing developers for a contribution towards the cost of extending or reconfiguring an existing school or setting, or building a new one. Government guidance sets out in more detail how local authorities can best seek funding for these purposes:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations';³
- Department for Education guidance 'Securing developer contributions for education' (November 2019).⁴

The Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools. Funding is reduced, however, to take account of developer contributions, to avoid double funding of new school places.⁵ National Planning Practice Guidance states that:

Government funding and delivery programmes do not replace the requirement for developer contributions in principle. Plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts.⁶

Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section 106 of the Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). CIL revenues are intended to help fund the supporting infrastructure needed to address

² NHCLG, National Planning Policy Framework 2019, paragraph 54.

³ MHCLG, Planning Practice Guidance, Planning Obligations <https://www.gov.uk/guidance/planning-obligations>

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf

⁵ MHCLG, Planning Practice Guidance, Planning Obligations, para 7.

⁶ MHCLG, Planning Practice Guidance, Planning Obligations, para 7.

the cumulative impact of development across a local authority area. Alternatively, a Section 106 planning obligation secures a contribution directly payable to the local authority for education (or direct provision of a school 'in kind'), though a planning obligation must comply with the following tests set out in the CIL Regulations, requiring it to be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Changes to the CIL regulations in September 2019 removed pooling restrictions which previously limited the number of planning obligations that could be used to fund a single infrastructure project, and allow planning obligations to fund infrastructure also being partly funded by CIL.⁷

Local authorities can use funds from both CIL and Section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed.

Local policy context

North Yorkshire County Council's **Council Plan 2020-24**⁸ sets out our vision that we want North Yorkshire to be a thriving county which adapts to a changing world and remains a special place for everyone to live, work and visit. Its ambitions are:

- Leading for North Yorkshire
- Every child and young person has the best possible start in life;
- Every adult has a longer, healthier and independent life;
- North Yorkshire is a place with a strong economy and a commitment to sustainable growth; and
- Innovative and forward thinking council

The **Young and Yorkshire 2 plan**⁹ aims to improve the lives of children and young people living in North Yorkshire, as well as their families. The plan has been written by the North Yorkshire Children's Trust, a partnership that represents all the agencies working with children and young people across the county. Its vision is to create a place of opportunity where all children and young people are happy, healthy and achieving, and its priorities include:

- Ensure children have great early years
- Raise achievement and progress for all
- Equip young people for life and work in a strong North Yorkshire economy

⁷ The Community Infrastructure Levy (Amendment) (England) (no.2) Regulations

⁸ <https://www.northyorks.gov.uk/council-plan>

⁹ <https://www.northyorks.gov.uk/young-and-yorkshire-2>

The County Council's **Strategic Plan for SEND Education Provision 0-25, 2018 – 2023**¹⁰ is for all children and young people in North Yorkshire who have special educational needs and disabilities (SEND), for their families and for all those working with them. We want all children and young people with SEND in North Yorkshire:

- To have the best educational opportunities so that they achieve the best outcomes.
- To be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
- To make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.

Local plans are prepared by the nine Local Planning Authorities in North Yorkshire, which comprise the seven Borough and District Councils and two National Park Authorities. These Local Plans are then examined independently by the Planning Inspectorate.

Seeking developer contributions for education

North Yorkshire County Council has for many years had a policy of aiming to secure contributions towards education provision wherever possible. This has become significantly more challenging in the context of Community Infrastructure Levy (CIL) and regulations which, until September 2019, restricted the pooling of contributions from multiple developments. Where CIL has been adopted the principle is that the District Councils collect a set sum per unit from all developments [in a particular area](#) under a charging schedule and then distribute to infrastructure projects.

We propose to continue to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 removed pooling restrictions for Section 106 agreements and allowed Section 106 contributions to fund infrastructure also being partly funded by CIL. Our experience to date is that Section 106 agreements offer far more certainty that the school place need arising from a housing scheme will be supported by developer contributions. [Where a Section 106 contribution for education is agreed to mitigate the impact of a specific development, the County Council will not request an education contribution from CIL revenues to mitigate the impact of the same development.](#)

Regardless of whether schools have academy status, are free schools, or maintained schools, the County Council remains the authority responsible for ensuring that there are sufficient school places available to meet the educational needs of the county's population. This means that the County Council remains the appropriate authority in determining the requirements for school provision as a consequence of housing development and will ask to be a party to any Section 106 agreement in order to secure the appropriate contribution. The County Council will work jointly with the nine Local Planning Authorities in North Yorkshire as plans are

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https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Strategic_plan_for_SEND_education_provision_0-25_2018_to_2023.pdf

prepared and planning applications determined, to ensure that all education needs are properly addressed.

PRIMARY AND SECONDARY PROVISION

Calculating developer contributions for primary and secondary education provision

Where a new development is proposed in an area with sufficient projected school places, no financial contribution will be required; however, where the proposed development would result in insufficient projected school places, a contribution will usually be sought.

Forecasts of future school capacity and pupils on roll at local primary and secondary schools are made by the County Council over a five year period. Local primary and secondary schools are generally the catchment area schools for the proposed development. These forecasts are based on school census data and the latest school capacity information¹¹ and will also take into account any unimplemented planning permissions.

- If, following these calculations the local schools are deemed to be at capacity in year **five**, contributions will be sought for every place.
- If the school is “X” places short of capacity in year five and the development generates “Y” places, contributions will be sought on the difference between “X” and “Y”.
- If “X” is greater than “Y” no contribution will be sought.
- If the school is deemed to have some capacity in year five, but not sufficient to provide all the places generated by the development, contributions will be sought for the shortfall of places resulting from the development.

(see Appendix 1 for examples)

Calculations will be based on the number of houses included in the outline planning application, including any affordable housing. Any increase in the number of units approved through, for example, a reserved matters or subsequent application, will generate additional contributions. No account will be taken of the rate of house-building on the site as this is an uncertain variable.

Primary Education contributions will be sought in relation to outline or full applications for planning permission for residential developments of 10 or more dwellings with 2 or more bedrooms.

Secondary Education contributions will be sought in relation to outline or full applications for planning permission for residential developments of 25 or more dwellings with 2 or more bedrooms.

¹¹ [Applying the DfE guidance, Assessing the Net Capacity of Schools \(2002\). Forecasts of future pupils on roll are based on the current pattern of preference for admissions.](#)

Contributions for education provision will not be sought in the following cases:

- Dwellings with less than two bedrooms.
- Sheltered accommodation or genuine elderly person, student or holiday accommodation. Such accommodation will be that which clearly is incapable of occupation for general residential purposes by virtue of its internal layout, ownership or management or which has occupancy restricted by planning condition or legal agreement.
- Temporary housing or bedsits and one-bedroom dwellings, if they are clearly incapable of being enlarged to two-bedroom units.
- Changes of use or conversion or redevelopment schemes where there is no net increase in the number of residential units to which contributions would apply.

Any planning permission granted for the change of use from sheltered or elderly persons, student or holiday accommodation or from one-bedroom flats to general residential units or two-bedroom flats and so on, would be subject to a contribution if the number of units exceeds the threshold criteria set below.

How many places are required?

In order to assess the long term demand arising from a new development, the County Council will use the following pupil yields:

Primary Schools (aged 4 to 11) – 0.25 children per dwelling

Secondary Schools (aged 11 to 16 or 11 to 18) – 0.13 children per dwelling

The pupil yields are derived from recent local housing developments across the County (see Appendix 2 and 3).¹²

The number of children generated by residential development will vary depending on the type and size of dwelling and by the location of the development. In some cases it may be argued that houses are built for a particular market, for example couples, starter homes or that a development is not within easy reach of a primary school. We will not normally reduce the basis for the calculations to account for variables such as these, because, over time, any dwelling (excluding sheltered, elderly person only, or one bedroom units) in any location, has the potential to accommodate children of school age.

What level of contribution is required?

¹² Using the median average. These yields have been reduced by 0.01 to account for those pupils with an Education, Health and Care Plan, which are accounted for separately, under SEN provision.

North Yorkshire County Council will multiply the projected pupil yield by the national average costs published in the DfE school places scorecards,¹³ adjusted to reflect costs in the [county region](#) using BCIS location factors. This is in line with DfE guidance.¹⁴

The present costs (April 2019 to March 2020), derived from DfE school places scorecards published in June 2019, are as follows:

	England Cost of Place £	North Yorkshire location factor	2019/20 place cost multipliers £
Primary schools			
Permanent expansion	16,596	0.95	15,766
New school	19,611	0.95	18,630
Secondary schools			
Permanent expansion	22,738	0.95	21,601
New school	23,962	0.95	22,764

In the majority of cases, unless it is fully expected that a new school is to be provided, the average cost for permanent expansions at primary and secondary schools will be used. Only where a new school is required to mitigate the impact of the development, will we seek financial contributions using the average cost for a new school. [Developer contributions for a new school will typically include both the build cost of the new school and the provision of the land on which the school is to be built \(see section on New schools below\).](#)

These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date. If there is no DfE school places scorecard published within the last calendar year, we will reserve the right to uplift the costs in the latest published scorecard by inflation.

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) PROVISION

Planning policy guidance and DfE guidance¹⁵ states that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

SEND provision in North Yorkshire includes:

- ~~Enhanced mainstream schools (EMS) – mainstream schools providing an enhanced offer to children and young people with SEND.~~

¹³ <https://www.gov.uk/government/statistics/local-authority-school-places-scorecards-2018>

¹⁴ Securing Developer Contributions for Education (November 2019).

¹⁵ MHCLG, Planning Practice Guidance, Planning Obligations; DfE, Securing Developer Contributions for Education (November 2019).

[Targeted mainstream provisions \(from September 2020\) – places for children and young people who need significant additional support as well as access to a mainstream school curriculum.](#)

- Pupil Referral Service (PRS) – a school established and maintained by a local authority to provide education for pupils who would otherwise not receive suitable education because of illness, exclusion or any other reason.
- Special School - A school specifically organised to make special educational provision for pupils with SEND. Pupils attending a special school will have an Education, Health and Care Plan.

How many places are required?

The County Council will apply the following yield for SEND provision:

0.01 per dwelling [\(with 2 or more bedrooms\)](#)

This pupil yield is derived from recent local housing developments across the County (see Appendix 4).

A contribution directly required for SEND provision will not be sought on any developments of less than 100 dwellings.

What level of contribution is required?

North Yorkshire County Council will follow DfE guidance that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.¹⁶

The current cost is £63,064 per SEND place.

EARLY YEARS CHILDCARE PROVISION PLACES

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. [This is delivered through the private, voluntary, and independent sectors, some of which are located on school sites, as well as through schools themselves.](#) Planning policy guidance and DfE guidance¹⁷ states that requirements for education contributions should consider all school phases 0-19, including early years.

How many places are required?

For developments of over 100 dwellings with two or more bedrooms an assessment will be made of the need to secure additional S106 funding for early years/pre-school provision, where it can be reasonably demonstrated that there is no capacity for local providers to meet increased demand for early years places arising as a consequence of the development.

¹⁶ DfE, Securing developer contributions for education, paragraph 17.

¹⁷ MHCLG, Planning Practice Guidance, Planning Obligations, paragraph 8; DfE, Securing Developer Contributions for Education (November 2019).

Where developer contributions are considered appropriate a yield rate of 0.05 children per dwellings [\(with 2 or more bedrooms\)](#) will be applied. (This is based on dividing the primary yield rate of 0.25 by 7 (to provide an average yield per year group of primary aged pupils) and multiplying by 1.3 (to account for on average 4 terms (that is to say, 1 year and a term) of early years government funding for 3 and 4 year-olds).

The need for a contribution will be established by comparing the number of children generated by the development, with the vacancies available in existing Early Years providers within a three-mile radius of the development.

Having taken the above factors into account, where it can be demonstrated that the number of Early Years children generated by a development is greater than the space capacity in current or planned Early Years provision the County Council will require a contribution to fund the provision of the additional Early Years places required arising from the development.

What level of contribution is required?

North Yorkshire County Council will follow DfE guidance that developer contributions for early years provision are set at the same as for a primary school.¹⁸

The current cost is £15,766 per early years place.

Following DfE guidance, developer contributions for early years provision will usually fund places at existing or new school sites.¹⁹

Section 106 agreements

The Government encourages Local Planning Authorities to use and publish standard forms and templates to assist with the process of agreeing planning obligations. This does not remove the requirement for local planning authorities to consider on a case by case basis whether a planning obligation is necessary to make the development acceptable in planning terms.²⁰

North Yorkshire County Council ~~will recommend the use of~~ [has](#) model clauses for education contributions in Section 106 agreements [available to developers, as set out in Appendix 5. They do not form part of the policy and are subject to continuing review and negotiation on a case by case basis.](#)

New schools

¹⁸ DfE, Securing developer contributions for education, paragraph 16.

¹⁹ DfE, Securing developer contributions for education, paragraph 16.

²⁰ MHCLG, Planning Practice Guidance, Planning Obligations, paragraph 16.

We will work with plan makers to identify which schools are likely to expand, and where new schools will be needed as a result of planned growth. We will work with local planning authorities to ensure that planning policies and planning obligations require a suitable school site to be made available at the appropriate time. National Planning Practice Guidance has an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.²¹

The County Council uses the Building Bulletin 103 and Section 77 policies in conjunction with each other, to ensure that new school sites meet both guidelines. Applying this guidance, for a new 3-11 primary school with integral nursery, the County Council would usually request the following site areas for a primary school:

Total pupils	Forms of entry	Total site area
210	1	1.19 ha
420	2	2.14 ha
630	3	3.09 ha

Where a new primary school is established it will include facilities for delivery of early years education and childcare usually in the form of one or 2 class bases and ancillary facilities, e.g. small office, in order to deliver the current 15 hour weekly entitlement.

For good organisational reasons, the County Council's policy is to establish new primary schools with whole forms of entry, e.g.:

- 210 place schools (one form of entry (1 FE))
- 420 place schools (2 FE)
- 630 place schools (3 FE)

This facilitates single year group teaching i.e. children grouped by age and implementation of infant class size legislation which limits Foundation and Key Stage 1 class (Reception, Year 1 and Year 2) sizes to 30 pupils to one teacher.

The County Council has a checklist of suitability requirements for new school sites (Appendix 6), and expects developers to show which criteria the proposed site fully meets, and to provide details of how the proposed site might not be considered to fully meet any of the criteria. The County Council ~~will recommend the use of~~ has model clauses for education sites in Section 106 agreements ~~as set out in Appendix 7~~ available to developers. They do not form part of the policy and are subject to continuing review and negotiation on a case by case basis.

Where new schools are planned within housing developments, we will consider whether direct delivery by the developer would represent best value for money, subject to an appropriate specification from the County Council. This would need to comply with state aid and public procurement legislation.

²¹ MHCLG, Planning Practice Guidance, Viability, paragraph 29.

Developer Loans for Schools was launched in autumn 2019.²² This may be used to forward fund schools as part of large residential developments, for example if viability becomes an issue. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.

In multi-phase developments, we may recommend land-equalisation approaches to ensure the development ‘hosting’ a new school (and any additional safeguarded land) is not disadvantaged.

Where appropriate, for instance in the early stages of development while the need for school places is growing, the County Council may seek developer contributions for temporary expansions to existing schools if required, and for transport costs for pupils travelling further than the statutory walking distance.²³ This could include:

- the full cost of any temporary accommodation required on school sites pending the delivery of any new schools or extended school facilities;
- the cost of transporting children to a school, where it is not possible to provide additional school places within an available walking distance of the development. This contribution will be in addition to any pupil place contributions and will relate to the cost of providing a new transport route for the additional pupils for a defined period of time. This claim will usually apply during the early phases of a major development prior to the opening of the new school on site.

Following DfE guidance, we will not usually take into account the capacity of existing primary schools beyond the statutory walking distance when calculating developer contributions for permanent onsite schools in new settlements and urban extensions. This promotes sustainable and healthy travel patterns.²⁴

Expansion of existing school sites

Where it is determined that there is a need to expand an existing school to mitigate the impact of a development, and the school site is undersized with reference to the capacity of the school and the guidelines for school sites in Building Bulletin 103 and Section 77, then the County Council would seek additional land from the developer wherever possible to mitigate the impact of the development.

Monitoring and Review

The 2019 CIL regulations require County Councils to publish an infrastructure funding statement where they receive a contribution entered into during the reported year. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (Section 106 planning obligations or Community

²² Prospectus available at: <https://www.gov.uk/government/publications/developer-loans-for-schools-apply-for-a-loan>

²³ DfE, Securing Developer Contributions for Education (November 2019), paragraph 29.

²⁴ DfE, Securing Developer Contributions for Education (November 2019), paragraph 30.

Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. [This will report on any developer contributions received, and also when and where contributions have been spent. This will give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.](#)

Summary of proposals for calculating developer contributions for education

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)*	
			Expansion	New school **
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

* These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date. If there is no DfE school places scorecard published within the last calendar year, we will reserve the right to uplift the costs in the latest published scorecard by inflation.

** Developer contributions for a new school will typically include both the build cost of the new school and the provision of the land on which the school is to be built (see section on New schools).

Contact

For further details or advice:

Strategic Planning
Children and Young People's Service
North Yorkshire County Council
County Hall
Northallerton
DL7 8AE

Email: nicola.howells@northyorks.gov.uk
john.s.lee@northyorks.gov.uk

Supporting appendices

Appendix 1: Examples of calculating developer contributions for primary education provision

Appendix 2: Primary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Appendix 3: Secondary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Appendix 4: Pupils with Education, Health and Care Plans in recent housing in North Yorkshire (summer 2019)

~~Appendix 5: Model clauses for education contributions in Section 106 agreements~~

~~Appendix 6: Education Site Suitability Checklist~~

~~Appendix 7: Model clauses for education sites in Section 106 agreements~~

[Appendices 5-7 will not form part of the policy and are subject to continuing review and negotiation on a case by case basis].

Draft Supporting Appendices to the Developer Contributions Policy

Appendix 1: Examples of calculating developer contributions for primary education provision

Example 1

- If, following these calculations the local schools are deemed to be at capacity in year **five**, contributions will be sought for every place.

Current Net Capacity of School (A)			210
Number of pupils on roll			210
Forecast pupils on roll 2023/2024 (B)			210
Surplus/Deficit in academic year 2023/2024 (A-B)			0
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			25
Anticipated need for new school places from the proposed number of properties as shown above			25
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£394,150

Example 2

- If the school is "X" places short of capacity in year **five** and the development generates "Y" places, contributions will be sought on the difference between "X" and "Y".

Current Net Capacity of School (A)			210
Number of pupils on roll			210
Forecast pupils on roll 2023/2024 (B)			250
Surplus/Deficit in academic year 2023/2024 (A-B)			-40
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			65
Anticipated need for new school places from the proposed number of properties as shown above			25
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£394,150

Example 3

- If “X” is greater than “Y” no contribution will be sought.

Current Net Capacity of School (A)			210
Number of pupils on roll			150
Forecast pupils on roll 2023/2024 (B)			150
Surplus/Deficit in academic year 2023/2024 (A-B)			60
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			0
Anticipated need for new school places from the proposed number of properties as shown above			-35
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£0

Example 4

- If the school is deemed to have some capacity in year **five**, but not sufficient to provide all the places generated by the development, contributions will be sought for the shortfall of places resulting from the development.

Current Net Capacity of School (A)			210
Number of pupils on roll			190
Forecast pupils on roll 2023/2024 (B)			190
Surplus/Deficit in academic year 2023/2024 (A-B)			20
Estimated pupils from a development of	100	2+ bedroom dwellings	25
Shortfall of places			5
Anticipated need for new school places from the proposed number of properties as shown above			5
Amount per place. This is the cost multiplier for a whole PRIMARY school place.			£15,766
Contribution sought.			£78,830

Appendix 2: Primary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Normal Primary School area	Address	Density	Reference	Total pupils
Water Street	Former CDC Offices, Granville Street	57	63/2011/11998	13
Settle CE	Land to South of Ingfield, Settle	37	62/2010/10975	7
Parish CE	Moorview Way, Eley Croft, Skipton	103	63/2010/11062	12
Sutton in Craven CE /CP	Woodturners Close, Sutton in Craven	30	66/2007/7160	24
Sowerby CP	Station Road, Thirsk	167	04/01723/REM	49
Easingwold CP	Ward Trailers Site, Easingwold	44		18
Easingwold CP	York Road Site, Easingwold	93		32
Topcliffe CE	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	6
Applegarth Primary	Yafforth Road, Northallerton	283	09/00795/FUL	55
Carlton Miniott	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	18
Meadowside Primary	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	76
Hampsthwaite CE	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	13
Grove Road CP	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	13
Meadowside Primary	Boroughbridge Road	170	13/02074/OUTMAJ	38
Killinghall CE	Picking Croft, Killinghall	75	13/04634/OUTMAJ	22
Green Hammerton CE	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	3
Western	Former Queen Ethelberga's School	99	94/02181/FUL	20
Brompton on Swale CE	Gatherley Road - ph I	161	N/A	54
Colburn CP	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	11
Colburn CP	Marne Grange, Arras Lines	126	14/00134/OUT	40
Leyburn Primary	Maythorne Farm, Leyburn	47	14/00317/FULL	9
Colburn CP	Arras Lines, Catterick Road	178	03/00285/AORM	47
Norton CP	Cheesecake Farm	79		37
Malton CP	Broughton Road, Malton	262	11/001182/MREM	87
Nawton CP	West of Station Rd, Nawton	21	11/01233/MOUT	5
Pickering Infant & Junior	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	26
Cayton CP	Station Road, Cayton	162	11/01435/RM	37
Seamer & Irton	Crab Lane Phase III	143	00/00590/FL	61
West Cliff Primary	The Creamery, White Leas Road, Whitby	68	09/02013/RM	30
Thomas Hinderwell Primary Academy	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	8
Filey Infant & Juniors Schools	Land To South Of Pasture Crescent Filey North Yorkshire	135	04/01191/FL	35
North Duffield CP	North Duffield	34	2005/0226/FUL	9
Sherburn Hungate	Land of Carosel Walk	120	2012/0468/EIA	45
South Milford CP	Low Street, South Milford	108	2005/1052/FUL	46
Selby CP/Selby Abbey CE	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	59
Embsay CE	Primrose Glen, Embsay	58	C/26/253B	2
Helmsley CP	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	1
			Average	28.49
			Median	26.40

Appendix 3: Secondary-aged pupil yields from recent housing in North Yorkshire (summer 2019)

Normal Secondary School area	Address	Density	Reference	Total pupils
Skipton	Former CDC Offices, Granville Street	57	63/2011/11998	9
Settle College	Land to South of Ingfield, Settle	37	62/2010/10975	5
Skipton	Moorview Way, Eley Croft, Skipton	103	63/2010/11062	6
South Craven	Woodturners Close, Sutton in Craven	30	66/2007/7160	13
Thirsk	Station Road, Thirsk	167	04/01723/REM	37
Easingwold	Ward Trailers Site, Easingwold	44		6
Easingwold	York Road Site, Easingwold	93		15
Thirsk	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	5
Northallerton	Yafforth Road, Northallerton	283	09/00795/FUL	23
Thirsk	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	4
Knaresborough	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	53
Harrogate	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	1
Harrogate	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	21
Knaresborough	Boroughbridge Road	170	13/02074/OUTMAJ	16
Harrogate	Picking Croft, Killinghall	75	13/04634/OUTMAJ	17
Boroughbridge	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	1
Harrogate	Former Queen Ethelberga's School	99	94/02181/FUL	21
Richmond	Gatherley Road - ph I	161	N/A	35
Risedale	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	4
Risedale	Marne Grange, Arras Lines	126	14/00134/OUT	16
Wensleydale	Maythorne Farm, Leyburn	47	14/00317/FULL	5
Risedale	Arras Lines, Catterick Road	178	03/00285/AORM	50
Norton	Cheesecake Farm	79		23
Malton	Broughton Road, Malton	262	11/001182/MREM	41
Ryedale	West of Station Rd, Nawton	21	11/01233/MOUT	7
Lady Lumley's	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	19
George Pindar	Station Road, Cayton	162	11/01435/RM	25
George Pindar	Crab Lane Phase III	143	00/00590/FL	41
Whitby	The Creamery, White Leas Road, Whitby	68	09/02013/RM	10
George Pindar	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	1
Filey	Land To South Of Pasture Crescent Filey North Yorkshire	135	04/01191/FL	23
Barlby	North Duffield	34	2005/0226/FUL	4
Sherburn	Land of Carosel Walk	120	2012/0468/EIA	14
Sherburn	Low Street, South Milford	108	2005/1052/FUL	25
Brayton/Selby	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	12
Skipton	Primrose Glen, Emsay	58	C/26/253B	0
Ryedale	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	0
			Average	16.43
			Median	14.00

Appendix 4: Pupils with Education, Health and Care Plans in recent housing in North Yorkshire (summer 2019)

Normal Primary School area	Address	Density	Reference	Total pupils
Water Street	Former CDC Offices, Granville Street	57	63/2011/11998	0
Settle CE	Land to South of Ingfield, Settle	37	62/2010/10975	0
Parish CE	Moorview Way, Elsey Croft, Skipton	103	63/2010/11062	2
Sutton in Craven CE /CP	Woodturners Close, Sutton in Craven	30	66/2007/7160	0
Sowerby CP	Station Road, Thirsk	167	04/01723/REM	3
Easingwold CP	Ward Trailers Site, Easingwold	44		1
Easingwold CP	York Road Site, Easingwold	93		0
Topcliffe CE	Former Turkey Factory, Willow Bridge, Dalton, Thirsk	31	10/01428/FUL	1
Applegarth Primary	Yafforth Road, Northallerton	283	09/00795/FUL	8
Carlton Miniott	Land off Ripon Way, Carlton Miniott	40	13/01770/FUL	1
Meadowside Primary	Hay-a-Park, Knaresborough	166	02/02355/REMAJ	4
Hampsthwaite CE	West of Brookfield, Hampsthwaite	56	14/02612/FULMAJ	1
Grove Road CP	County Ground, Claro Road, Harrogate	126	12/04026/OUTMAJ	2
Meadowside Primary	Boroughbridge Road	170	13/02074/OUTMAJ	2
Killinghall CE	Picking Croft, Killinghall	75	13/04634/OUTMAJ	1
Green Hammerton CE	Virginia Lodge, Bernard Lane, Green Hammerton	20	15/04468/FULMAJ	0
Western	Former Queen Ethelberga's School	99	94/02181/FUL	0
Brompton on Swale CE	Gatherley Road - ph I	161	N/A	0
Colburn CP	The Old Recreation Ground, Cravendale Road, Colburn (Broadacres)	32	16/00139/FULL	0
Colburn CP	Marne Grange, Arras Lines	126	14/00134/OUT	0
Leyburn Primary	Maythorne Farm, Leyburn	47	14/00317/FULL	0
Colburn CP	Arras Lines, Catterick Road	178	03/00285/AORM	1
Norton CP	Cheesecake Farm	79		1
Malton CP	Broughton Road, Malton	262	11/001182/MREM	3
Nawton CP	West of Station Rd, Nawton	21	11/01233/MOUT	0
Pickering Infant & Junior	The Nurseries, Whitby Road, Pickering	96	10/01086/MFUL	1
Cayton CP	Station Road, Cayton	162	11/01435/RM	1
Seamer & Irton	Crab Lane Phase III	143	00/00590/FL	2
West Cliff Primary	The Creamery, White Leas Road, Whitby	68	09/02013/RM	0
Thomas Hinderwell Primary Academy	Former McCain Stadium Football Ground, Seamer Road	45	15/01180/RG4	1
Filey Infant & Juniors	Land To South Of Pasture Crescent Filey	135	04/01191/FL	2
North Duffield CP	North Duffield	34	2005/0226/FUL	1
Sherburn Hungate	Land of Carosel Walk	120	2012/0468/EIA	0
South Milford CP	Low Street, South Milford	108	2005/1052/FUL	0
Selby CP/Selby Abbey CE	Holme Lane, Coupland Road, Selby (301 inc 28 x 1 bed)	273	2005/0336/OUT	2
Embsay CE	Primrose Glen, Embsay	58	C/26/253B	0

ANNEX 2

Helmsley CP	Land off Linkfoot Lane, Helmsley	20	NYM/2013/0649/FL	0
			Average	1.11
			Median	1.00

Consultation Document



Developer Contributions for Education

Consultation on a new Policy

February 2020

We are proposing a new County Council policy on developer contributions for education.

What are developer contributions?

Local authorities can seek to negotiate a contribution from developers towards the cost of meeting infrastructure necessary to support their development. For education this means asking for a contribution towards the cost of extending or reconfiguring an existing school or setting or building a new one.

Developer contributions are secured by means of conditions attached to a planning permission, either a planning obligation under **Section 106** of The Town and Country Planning Act 1990, or the **Community Infrastructure Levy (CIL)**.

A **Section 106** agreement is a legal obligation by a person with an interest in the land and the local planning authority to mitigate the impacts of a development proposal. This can secure a contribution directly payable to the County Council for education (or direct provision of a school 'in kind') but the obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new developments in their area and use to fund infrastructure.

Why are we consulting now?

Changes to the regulations governing Section 106 agreements and CIL were made in September 2019. Updated Government guidance documents set out how local authorities can best seek funding both for the construction of more school places and suitable land from developers:

- Ministry of Housing, Communities and Local Government, Planning policy guidance, 'Planning obligations' (September 2019)
- Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019)

In the light of these changes, we are proposing a new County Council policy for developer contributions for education.

What will our new policy include?

This policy sets out how the County Council will consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and if it is not:

- the developer contributions needed for education, based on known pupil yields from all homes where children live; this includes primary, secondary, special educational needs and disabilities, and early years provision;
- when we will request contributions of land to provide sites for new or expanded schools.

The method of assessing whether a contribution is required will remain unchanged. The new guidance states that pupil yield factors should be based on up-to-date evidence from recent local housing developments. Recent analysis of housing developments across the County provides evidence that our current yield rates are an accurate average, accepting that there are variations between sites.

What are we proposing to change?

Section 106 contributions

We propose to request Section 106 contributions for education across the County. This will now also include areas that have adopted CIL. Changes to the CIL regulations in September 2019 removed Regulation 123 lists of infrastructure that were intended to be funded through CIL and allows Section 106 contributions to fund infrastructure also being partly funded by CIL. Our experience to date is that Section 106 agreements offer far more certainty that the school place need arising from a housing scheme will be supported by developer contributions.

Contributions for primary and secondary provision

We propose to follow the Department for Education's (DfE) preferred cost per place and use the national average costs for mainstream school places published annually in the DfE school places scorecards, adjusting national averages to reflect regional costs using Building Cost Information Service location factors.

We currently apply historic DfE cost multipliers which have remained unchanged since 2009. Applying the average cost for a permanent expansion, derived from DfE school places scorecards, to North Yorkshire would result in an increase in the cost of a primary place from £13,596 to £15,766 and a secondary place from £20,293 to £21,601.

Where a new school is required to mitigate the impact of the development, we will seek financial contributions using the average cost for a new school, derived from DfE school places scorecards, which are currently £18,630 for a primary place and £22,764 for a secondary place.

While these are significant increases (16% increase in cost of primary expansions and 6% increase in cost of secondary expansions) they compare with an increase over the same period in building cost inflation of between 25 and 40 per cent.

These rates will be updated on 1 April each year and reflect the latest published DfE school places scorecard at this date.

Thresholds for assessment currently vary across the County reflecting different policies in different districts:

	Primary	Secondary
Craven	15+(rural); 25+ (urban)	100+
Hambleton	CIL	CIL
Harrogate	25+	25+
Richmondshire	No threshold	No threshold
Ryedale	CIL	CIL
Scarborough	15+ (rural); 25+ (urban)	150+
Selby	CIL	CIL

Planning Obligations guidance sets a threshold of 10 houses for affordable housing contributions. We propose to lower the threshold (the minimum number of houses with two or more bedrooms) for which primary education contributions would be sought to 10 and for secondary education contributions to 25.

Contributions for special educational needs and disabilities (SEND) provision

Planning policy guidance and DfE guidance state that requirements for education contributions should consider SEND provision, and recommends a local authority-wide pupil yield factor based on evidence of recent developments.

We propose to apply a yield of 0.01 per dwelling for SEND provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that developer contributions for special or alternative school places are set at four times the cost of mainstream places.

Contributions for early years provision

Planning policy guidance and DfE guidance state that requirements for education contributions should consider early years provision.

We propose to apply a yield of 0.05 per dwelling for early years provision and a minimum threshold of 100 houses. We propose to use the DfE recommendation that

developer contributions for early years provision are set at the same as primary school provision.

Section 106 agreements

We propose to recommend the use of model clauses for education contributions and for education sites in Section 106 agreements.

Summary of proposals

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)	
			Expansion	New school
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

How can I comment?

Complete the response form online or return by post by 1 April 2020.

Next steps

All responses received by this date will be included in a report to the County Council's Executive on 21 April. They will decide whether to approve the draft policy for implementation. It is proposed to implement the new policy from 1 May 2020. It will be for each individual district council, as the local planning authority, to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.

**North Yorkshire County Council
Developer Contributions for Education
Consultation on a new Policy**

Observations and/or suggestions:

Name

Organisation

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

Developer Contributions

Strategic Planning

North Yorkshire County Council

County Hall

NORTHALLERTON

DL7 8AE

Or go to:

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and submit your response there

To be received by no later than 1 April 2020

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Consultation responses received

Consultee	Comments	Response
Borough and District Councils and National Park Authorities (Local Planning Authorities)		
Craven District Council	<p><u>1) Method of assessing whether a contribution is required</u> The draft policy sets out that this method will remain unchanged. Appendix B of the CLP accords with the current method, therefore no comment to make in this respect.</p> <p><u>2) Section 106 Contributions</u> CDC does not have a CIL in place, nor are there plans to adopt a CIL. The method currently used by CDC to secure developer contributions for education is via S106 agreements, therefore CDC are in agreement with this element of the draft policy.</p> <p><u>3) Contributions for primary & secondary provision</u> The proposed increase in cost of contributions for could be set out in an SPD, prepared by CDC & linked to adopted local plan policy INF6, however it could be the case that the proposed increase in cost of contributions for primary and secondary places may have an impact in terms of plan wide viability. Viability testing of any increased contributions for education together with other Craven Local Plan policy requirements requiring developer contributions to be made, would be required. The results of this viability testing work may have implications in terms of a Craven Local Plan review. Prior to any necessary viability assessment/local plan review work being carried out, any proposal would be required to meet the existing policy requirements of the adopted Craven Local Plan, as set out in policy INF6 & Appendix B.</p> <p><u>4) Thresholds for which primary & education contributions would be sought</u> The draft NYCC policy proposes to lower the thresholds for which contributions towards primary school provision would be sought to 10 dwellings and 25 dwellings for secondary education contributions. This part of the draft NYCC policy introduces different thresholds than those set out in Craven Local Plan policy INF6 & Appendix B. If the NYCC policy is approved the only way for them to be reflected in the Craven Local Plan is via a review of the policy INF6 & Appendix B. It would not be possible for CDC to require these thresholds within a SPD.</p> <p><u>5) Contributions for special educational needs and disabilities (SEND) provision</u> The draft NYCC policy proposes a yield of 0.01 pupil yield per dwelling for SEND provision and a minimum threshold of 100 houses. Craven Local Plan adopted policy INF6 & Appendix B, does</p>	<p>Noted.</p> <p>Noted.</p> <p>Viability discussed in Section 5.14-5.16 of the main report.</p> <p>NYCC will request that these are reviewed in the next Local Plan review.</p> <p>NYCC will request that these are reviewed in the next Local Plan</p>

	<p>not require developer contributions to be made specifically for SEND provision. If approved, this aspect of the draft NYCC policy could be incorporated into the Craven Local Plan via a review. In order to inform such a review and justify this policy requirement, CDC would require NYCC to provide evidence setting out the forecasted need for SEND within Craven. It would not be possible for CDC to require contributions for SEND provision within a SPD linked to adopted local plan policy INF6.</p> <p><u>6) Contributions for early years provision</u> The draft NYCC policy proposes a yield of 0.05 pupil yield per dwelling for early years provision and a minimum threshold of 100 houses. Craven Local Plan adopted policy INF6 & Appendix B, does not require developer contributions to be made specifically towards early years provision. As such, if approved, this aspect of the draft NYCC policy could only be incorporated into the adopted Craven Local Plan via a review. It would not be possible for CDC to require contributions for early years provision within a SPD linked to adopted local plan policy INF6.</p> <p><u>7) Section 106 agreements</u> The draft NYCC policy proposes the recommended use of model clauses for education contributions and for education sites in Section 106 agreements. The Council could consider the use of any model clauses included in the final policy, within future Section 106 agreements as this approach would provide clarity for developers. One possible approach is to include these in a future SPD relating to education contributions, prepared by the Council if this is considered necessary. Public consultation on such a draft SPD would provide consultees, including developers, an opportunity to comment on the use of any model clauses relating to education contributions and site in Section 196 agreements. Following publication of the final Developer Contributions for Education policy by NYCC, further work may be required by Craven District Council and other district councils in order to implement the policy. This further work may relate to updates to the existing Local Plan evidence base, and in turn, Local Plan review work, which takes a considerable amount of time to complete. Therefore once the NYCC policy is finalised and before it can be fully implemented by Craven District Council, NYCC Education should recognise, in their consultation responses to planning applications in Craven, that proposals are required to meet the policy requirements set out in adopted Craven Local Plan policy INF6 & Appendix B.</p>	<p>review. Details of the forecasted need for SEND in Craven is set out in the County Council’s Strategic Plan for SEND Education Provision 0-25, 2018 – 2023, and further data can be provided on request.</p> <p>NYCC will request that these are reviewed in the next Local Plan review.</p> <p>Noted.</p>
Hambleton District Council	<p>Officers within the Planning department at HDC consider that it is positive to have appropriate arrangements for funding education, but that this does have the potential to affect development viability in lower value areas and have a knock on impact on other things that are funded from development, specifically affordable housing. HDC officers would recommend that NYCC undertake viability assessment to seek to understand the impact that this may have on development in lower viability areas and that consistent robust projections regarding education</p>	<p>Viability discussed in Section 5.14-5.16 of the main report.</p> <p>Priorities for funding education provision from development have</p>

	<p>requirements are ensured. This would ensure that the need for education requirements was understood and planned for appropriately. HDC officers would also welcome opportunity to input into and understand priorities for funding from development to ensure that council and community aspirations are engaged. It is considered that education costs should be spread across all development which would mitigate against proposals on one side of a road being viable and on the other, not being viable, dependent only on the local schools catchment areas. It is considered important that the connection is made between need, costs and development.</p>	<p>been used to inform the Hambleton Infrastructure Delivery Plan.</p>
<p>Harrogate Borough Council</p>	<p><u>Harrogate Borough Council Response to NYCC Education Contributions Consultation – April 2020</u></p> <p>Harrogate Borough Council welcome the opportunity to comment on the current consultation and acknowledge the work that has gone into the preparation of it. Harrogate Borough Council have the following comments to make:</p> <p>Present Situation</p> <p>At present, the process for collecting developer contributions towards education in Harrogate is detailed in the ‘Guidance for Developer Contributions to Education Facilities’ updated in November 2017. Primary and Secondary contributions are sought on sites of 25 dwellings or more and if required the following payments are sought:</p> <ul style="list-style-type: none"> • primary contribution of £13,596 per pupil based on the assumption that every 4 homes (2 bed or greater) will generate 1 pupil • secondary contribution of £20,293 per pupil based on the assumption that every 8 homes (2 bed or greater) will generate 1 pupil • the contribution required per pupil for a new school and expansion of a an existing is the same <p>Proposed Changes</p> <p>The proposals identified by NYCC in the consultation document would result in the following requirements:</p> <p>For Primary Education:</p> <ul style="list-style-type: none"> • contributions would now be sought on sites of over 10 units; • if required a payment of £15,766 per pupil will be sought based on the existing assumption (1 pupil per 4 homes) • if there is a requirement for a new school rather than expansion of existing, the cost per pupil will rise to £18,630 <p>For Secondary Education:</p> <ul style="list-style-type: none"> • no change to threshold – contributions still sought for sites of 25 or more units 	

- if required a payment of £21,601 per pupil will be sought based on the existing assumption (1 pupil per 8 homes)
- if there is a requirement for a new school rather than expansion of existing, the cost per pupil will rise to £22,764

For Special Educational Needs and Disabilities (SEND):

- contributions would be sought on sites of over 100 units
- if required a payment of £63,064 per pupil will be sought on the assumption that every 100 units will generate 1 pupil

For Early Years Provision:

- contributions would be sought on sites of over 100 units
- if required a payment of £15,766 per pupil will be sought on the assumption that every 100 homes will generate 5 pupils

The table below shows a summary of the proposals:

	Pupil yield per house	Minimum number of houses on which assessment made	Contribution per place (2019/20 rates)	
			Expansion	New school
Primary	0.25	10	£15,766	£18,630
Secondary	0.13	25	£21,601	£22,764
Special Educational Needs and Disabilities	0.01	100	£63,064	£63,064
Early years	0.05	100	£15,766	£15,766

As well as the above proposals, the consultation also puts forward the following changes:

- where a new school is required land should be sought in addition to the usual education contributions. This is referenced in the NPPG which sets out an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development

Impact of Proposed Changes

Whilst it is not simple to determine how the proposed changes could affect development, it is possible to look at worst case scenarios which assumes that there is no capacity in local schools

(primary and secondary) and the schemes are for 2 bed + houses. The Table below shows the difference in developer contributions between the existing and proposed requirements for a number of site size scenarios (number of dwellings):

Site Size	Developer Contribution				
	£Existing Cost	£Proposed Cost Expansion (£Proposed Cost New School)			
	Primary	Secondary	SEN	Early Years	Total
10	£0 £39,415 (£46,575)	£0 £0 £0	£0 £0 (£0)	£0 £0 (£0)	£0 £39,415 (£46,575)
25	£84,975 £98,537 (£116,437)	£65,952 £70,203 (£73,983)	£0 £0 (£0)	£0 £0 (£0)	£150,927 £168,740 (£190,420)
50	£169,950 £197,075 (£232,875)	£131,904 £140,406 (£147,966)	£0 £0 (£0)	£0 £0 (£0)	£301,854 £337,481 (£389,841)
100	£339,900 £394,150 (£465,750)	£263,809 £280,813 (£295,932)	£0 £63,064 (£63,064)	£0 £78,830 (£78,830)	£603,709 £816,857 (£903,576)
250	£849,750 £985,375 (£1,164,375)	£659,522 £702,032 (739,830)	£0 £157,660 (£157,660)	£0 £197,075 (£197,075)	£1,509,272 £2,042,142 (£2,258,940)
500	£1,699,500 £1,970,750 (2,328,750)	£1,319,045 £1,404,065 (£1,479,660)	£0 £315,320 (£315,320)	£0 £394,150 (£394,150)	£3,018,545 £4,084,285 (£4,517,880)
3000	£19,197,000 £11,824,500 (£13,972,500)	£7,914,270 £8,424,390 (£8,877,960)	£0 £1,891,920 (£1,891,920)	£0 £2,364,900 (£2,364,900)	£18,111,270 £24,505,710 (£27,107,280)

In summary the impacts of the proposal are as follows:

- schemes 10 – 25 dwellings will have to pay primary contributions of £3941 per house compared to £0 at present;
- schemes 100 + will now be required to pay contributions towards SEN and Early Years;
- all 10+ schemes requiring a new school will pay increased contributions compared to expansion schemes;
- all 10+ schemes will pay an increased price per place than existing

To summarise the above figures the table below shows the change in the price per house (based on the worst case scenario) as proposed by the consultation:

Size of Site	Price per house (£) ²⁵					
	Cost of Expansion			Cost of New School		
	Existing	Proposed	Increase (%)	Existing	Proposed	Increase (%)
10 - 24	0	3941	3941	0	4657	4657
25 - 99	6037	6749	712 (11%)	6037	7616	1579 (26%)
100 +	6037	8168	2131 (35%)	6037	9035	2998 (49%)

Whilst HBC appreciate there is a need to update the contributions (haven't been updated in 10 years) and recent government guidance opens up the possibility for asking for contributions towards Special Education Needs (SEN) and Early Years provision, we have some significant concerns about the proposals in relation to viability. We have sought the advice of our Viability Consultant in drafting this response and he has highlighted the following:

- up to £9000/unit is being asked for in education contributions alone which is a significant increase than existing and higher than the assumptions used in the Local Plan and CIL viability assessments for all S106 contributions;
- in setting CIL, the wider policy requirements of the Local Plan were taken into account and adopting the proposed education contributions would undermine this viability work

Paragraph 10-007 of the PPG says that '*where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable*'. It also details circumstances where an applicant may be able to challenge the viability at the development management stage including '*where further information on infrastructure or site costs is required*'. Therefore, as we have a newly adopted plan and nearly have CIL if we change the infrastructure requirements at this stage then the whole viability debate would be reopened. Education is only one of the developer contributions required by the Local Plan and changing the requirements now could undermine and threaten the delivery of all of the requirements including affordable housing, open space, building efficiency, transport improvements, village halls and potentially result in less contributions for all infrastructure than presently required.

²⁵ Proposed value includes increased price per place, new primary threshold, SEN and Early Years Contribution

The DfE guidance (Securing developer contributions for education – November 2019) also specifically states at Para 14 that whilst *‘the amount of money that you seek to secure through developer contributions for education provision should reflect the cost of providing school places’* it should still be ***‘linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.’***

Harrogate Borough Council Action

The consultation includes a number of proposals which can be split into three elements:

1. the introduction of the SEN/Early Years requirement;
2. reduction in Primary contribution threshold;
3. increased price per place.

Whilst Harrogate Borough Council are unable at this stage to adopt those elements relating to 1 and 2 it is acknowledged that the price per place figures have not been updated recently and at present do not properly reflect the real cost of provision. Our current guidance may allow for this change without a full review as it states in para 4.5 that *“the elements within this formula will be subject to annual review by the County Council in line with Government guidelines”*, however, we would need to take further viability and legal advice on whether it would be acceptable and appropriate at this stage to use the updated price per place figures in negotiations in the short term without a formal consultation.

If the council were to adopt the proposed increased price per place in the short term, this would result in the following:

Size of Site	Price per place (£)	
	Existing Expansion (New School)	Proposed Expansion (New School)
10 - 24	0	0
25 +	6,037 (6037)	6749 (7616)

The impact of the full changes proposed, including the change in primary threshold and introduction of contributions for SEND and Early Years, will have to be considered fully through the review of the Local Plan and specifically the viability appraisal of the plan as a whole. This viability appraisal would examine what infrastructure a development could be expected to deliver including any new requirements such as climate change, energy efficiency. Once this work is completed it will be for Members to consider what the Borough Council’s priorities are that need to

Viability discussed in Section 5.14-5.16 of the main report.

	<p>be addressed and any recommendation will ultimately be considered by the Inspector at the Examination.</p> <p>With regard to the matter of land contributions, it is imperative that NYCC Education engage fully with the Local Plan review to ensure that any new land requirements are identified and included in any requirements set out in the Local Plan so that they can be factored into any viability assessments.</p> <p>On the matter of the additional categories there is no doubt that SEND and the provision of more specialist education is a crucial issue. In terms of early years, as the majority of early years education in the district is provided by private ventures unrelated to NYCC, the Borough Council would need to be satisfied as to the actual need for this form of educational provision and how any sums would be allocated, spent and monitored.</p> <p>Please take the above as the comments from Harrogate Borough Council and if you need to discuss further please don't hesitate to get in touch.</p>	
Richmondshire District Council	<p>Richmondshire District Council (RDC) agrees that education contributions should be updated to ensure adequate provision in the County's schools and other educational establishments. RDC has tested the revised contributions in its Whole Plan Viability Assessment (WPVA) for the Local Plan Review and concluded that both SEND and Early Years would have a significant impact on the viability of sites over 100 dwellings. We therefore suggest that the introduction of revised contributions should be phased and possibly linked to each Local Planning Authority's (LPA) statutory five-year review of its Local Plan. If introduced in this way then all obligations can be tested afresh through the WPVA to consider and mitigate any significant impact on previously agreed costs in any viability testing before the introduction of the revised contribution amounts.</p>	
Ryedale District Council	<p>Ryedale District Council is committed to ensuring that the impact of new development on infrastructure capacity is addressed and to securing developer contributions for this purpose. However, the proposed policy appears to be well advanced and in this respect, it is very disappointing that the implications of the proposed approach have not been discussed at an earlier stage. As drafted and as it stands, the approach would not be economically viable in Ryedale.</p> <p>Ryedale District Council operates the Community Infrastructure Levy. Whilst the District Council is entirely aware that Section 106 pooling restrictions have been lifted and that Section 106 and CIL can both be used to fund infrastructure, CIL charges in Ryedale are established. The CIL charges have been independently examined. They have been set at a level which ensures that plan-compliant affordable housing contributions can also be secured from development sites</p>	<p>Viability discussed in Section 5.14-5.16 of the main report.</p>

	<p>and that development remains economically viable. The CIL charge is a mandatory charge. Section 106 agreements are secured by negotiation. If NYCC’s policy is to seek education contributions through the use of Section 106 agreements, the contribution will directly compete with the ability of development sites to deliver affordable housing. This is not acceptable to this Authority. In this Council’s experience, sites will not be economically viable if education contributions are sought in addition to affordable housing contributions and mandatory CIL charges. The District Council has no plans to cease the operation of CIL in Ryedale and it will be several years before the charge is reconsidered/ revised. The proposed approach will provide less certainty that necessary school places could be funded.</p> <p>Against this context it is imperative that the County Council reconsider this matter – particularly in areas of the County which operate the CIL. The District Council would be happy to discuss how CIL receipts can be used to address the educational requirements arising from levels of planned growth and to use the new Infrastructure Funding Statements to confirm this. The District Council recognise that the County Council does need a greater level of certainty over the use of CIL contributions. The IFS’s provide the vehicle for achieving this and will also help to ensure that (CIL) contributions can be prioritised ‘holistically’ to reflect other infrastructure requirements which relate to highways requirements for example, as well as education infrastructure.</p> <p>The District Council has progressed its development plan and the allocation of sites for new development on the basis of the use of CIL. The infrastructure required as a result of planned levels of growth has been agreed with the County Council, including school improvements. Contributions secured to date have helped to secure extensions to Malton, Pickering and Norton Primary Schools. It would be helpful to understand if requirements have changed. The County Council is aware that the Ryedale will secure land at Norton for a new primary school and that the CIL will be used to progress the delivery of a new school. The District Council would appreciate urgent confirmation that the County Council remain committed to the delivery of this school and an indication of the financial contribution required for the new primary school at Beverley Road Norton, based on the anticipated number of new homes proposed for the site. Under the proposed method, the level of contribution would be in the region of £2,794,500.00. The District Council would be grateful if the County Council could confirm that this is now the level of contribution that is required for this scheme.</p>	<p>Contributions for extensions to Malton, Pickering and Norton Primary Schools have been received through Section 106 contributions, not through CIL.</p> <p>The County Council has requested a site for the new school at Beverley Road, Norton and a financial contribution.</p>
<p>Scarborough Borough Council</p>	<p><u>Education Contributions – Proposed Changes (Scarborough Borough Council Response)</u></p> <p>The Borough Council welcome the efforts of the County Council to update the methodology for calculating education sums in developments. The payment per pupil has not changed in circa 10 years to keep up with building costs and this should have been updated annually.</p>	

However, there are some concerns about the overall proposal and scale of the proposed increases in Scarborough Borough. Certainly in terms of impact on viability, Scarborough Borough has the scope to be significantly hit by these changes and this is explained below. Examples of how the proposed changes could affect schemes in the borough are also set out in this response.

The Changes for Scarborough Borough Council.

The current regime for negotiating education contributions is as follows.

For Primary Education:

□ Contributions are sought (subject to capacity) on sites of over 15 units in the rural areas and 25 units in the urban areas. If required a payment of £13,596 per pupil is sought based on the assumption that every 4 homes (2 bed or greater) will generate 1 pupil.

For Secondary Education:

□ Contributions are sought (subject to capacity) on sites of over 150 units. If required a payment of £20,293 per pupil is sought based on the assumption that every 8 homes (2 bed or greater) will generate 1 pupil.

The proposed changes from NYCC would result in the following updated requirements:

For Primary Education:

□ Contributions are sought (subject to capacity) on sites of over 10 units. If required a payment of £15,766 per pupil is sought based on the assumption that every 4 homes (2 bed or greater) will generate 1 pupil. If the requirement is for a new school as opposed to an expansion the cost per pupil rises to £18,630.

For Secondary Education:

□ Contributions are sought (subject to capacity) on sites of over 25 units. If required a payment of £21,601 per pupil is sought based on the assumption that every 8 homes (2 bed or greater) will generate 1 pupil. If the requirement is for a new school as opposed to an expansion the cost per pupil rises to £22,764.

For Special Educational Needs and Disabilities (SEND):

□ Contributions are sought (subject to capacity) on sites of over 100 units. If required a payment of £63,064 per pupil is sought based on the assumption that every 100 homes (2 bed or greater) will generate 1 pupil.

For Early Years Provision:

	<p>□ Contributions are sought (subject to capacity) on sites of over 100 units. If required a payment of £15,766 per pupil is sought based on the assumption that every 100 homes (2 bed or greater) will generate 5 pupils/children.</p> <p>Other Proposed Changes. Land provision for new schools – the DfE guidance (Securing developer contributions for education – November 2019) suggests in Para 5 that: <i>‘...it is particularly important that education land required within larger development sites is provided at no cost to the local authority wherever possible’</i></p> <p>The County Council has suggested that land should be sought in cases where a new school is required in addition to the usual education contributions. They refer to National Planning Practice Guidance, which sets out an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development.</p> <p>Model Clauses for legal agreements - these are set out in the consultation Appendices relating to a typical clause on education payments and on an agreement involving the land. These are noted, as is the inclusion of the County Council as a party to the agreement.</p> <p>Potential Impacts of Proposed Changes It is not a straightforward assessment to determine how the proposed changes could affect development, however, it is possible to look at worst case scenarios. Below are a number of scenarios involving a small scheme (25 units), a medium sized scheme (100 units) and a large scheme (600 units). These show the breakdown of sums before and after the changes. As stated, this shows the worst case scenario so therefore assumes there is no capacity in local schools and the schemes are for 2 bed + homes.</p> <p><u>25 unit scheme:</u> Under the current system this would only require a contribution towards primary education. This would be equal to: $(25 / 4) \times £13,596 = \mathbf{£81,576}$ Under the revised scheme this would require payments towards both primary and secondary education: $[(25 / 4) \times £15,766] + [(25 / 8) \times £21,601] = \mathbf{£159,399}$ (this would increase to £180,072 if this was for new schools) This means if there is no existing capacity there is a potential increase of between 95% and 118% in the contribution.</p> <p><u>100 unit</u></p>	
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Under the current system this would only require a contribution towards primary education. This would be equal to: $(100 / 4) \times \text{£}13,596 = \text{£}339,900$

Under the revised scheme this would require payments towards all areas; primary, secondary, SEND and early years education: $[(100 / 4) \times (\text{£}15,766)] + [(100 / 8) \times (\text{£}21,601)] + [\text{£}63,064] + [(100 / 20) \times \text{£}15,766] = \text{£}816,857$ (this would increase to **£903,576** if this was for new schools)

This means if there is no existing capacity there is a potential increase of between **140% and 166%** in the contribution.

600 unit scheme:

Under the current system this would only require a contribution towards primary and secondary education. This would be equal to: $[(600 / 4) \times \text{£}13,596] + [(600 / 8) \times 20,293] = \text{£}3,561,375$

Under the revised scheme this would require payments towards all areas; primary, secondary, SEND and early years education: $[(600 / 4) \times (\text{£}15,766)] + [(600 / 8) \times (\text{£}21,601)] + [(600 / 100) \times \text{£}63,064] + [(600 / 20) \times \text{£}15,766] = \text{£}4,836,339$ (this would increase to **£5,353,164** if this was for new schools)

This means if there is no existing capacity there is a potential increase of between **36% and 50%** in the contribution.

What does this mean for considering development proposals?

Clearly the examples above show a potential significant impact on the contributions that could be required to be paid towards education. Whilst it is heavily dependent on the capacity of schools at a certain point in time, it is critical that the worst case scenario (or highest contribution) is understood.

All of the examples shown above have a substantial impact on the contribution that may be required. Schemes under 150 dwellings could be impacted significantly as currently they only make a contribution towards primary education. This would change to include secondary, SEND and early years provision (the latter two for schemes between 100 and 150 units).

For schemes above 150 units, the impact is less so in terms of the percentage increase because such schemes already make a secondary contribution (where required).

Notwithstanding this, the actual increase in the £ figure is still high. This is shown in the 600 unit scheme worked example, which demonstrates a potential circa £1.2m uplift in the required contribution.

These are not insubstantial figures.

The planning system has to consider the requirements of a development proposal and education is just one. Other demands of the planning system (as required by the Scarborough Borough

	<p>Local Plan) currently include affordable housing, primary health care, open space and recreation, and highways improvements, along with others. In the near future the demands on development are likely to increase further to also include mandatory increases in building efficiency (through building regulations), increased accessibility standards (accessible and adaptable homes) and potentially other climate change (carbon 'offsetting') measures.</p> <p>Given that viability of housing schemes is already a huge issue in Scarborough Borough, such increases would further threaten the viability of development and/or impact on the delivery of affordable housing if adopted in their proposed form.</p> <p>Taking the 100 unit scheme above as an example; any viability appraisal submitted in support of an application would show the circa £500,000 increase (subject to capacity) in the 'costs' column. It is unlikely that this would be counter-balanced by an equal / proportionate uplift in 'revenues' and as such, could (and most likely would) result in a reduction in the affordable housing contribution (with affordable housing often being the most significant 'cost')</p> <p>This is such a fundamental issue that it needs much greater detailed consideration than can be undertaken in the consultation window and this is set out below (<i>under Proposed Actions</i>).</p> <p>Relevant Guidance</p> <p>Before looking at what response should be made it is worth looking at relevant guidance. The DfE guidance specifically states at Para 14:</p> <p><i>'The amount of money that you seek to secure through developer contributions for education provision should reflect the cost of providing school places, linked to the policy requirements in an up-to-date emerging or adopted plan that has been informed by viability assessment.'</i></p> <p>Planning Practice Guidance provides further information on education contributions as shown below as well as general advice on planning obligations.</p> <p>What funding is available for education?</p> <p><i>Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools.</i></p> <p><i>Funding is reduced however to take account of developer contributions, to avoid double funding of new school places. Government funding and delivery programmes do not replace the requirement for developer contributions in principle.</i></p> <p><i>Plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts.</i></p> <p><i>Paragraph: 007 Reference ID: 23b-007-20190315</i></p> <p>Are planning obligations negotiable?</p>	
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	<p><i>Yes. Plans should set out the contributions expected from development towards infrastructure and affordable housing. Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.</i></p> <p><i>Paragraph: 010 Reference ID: 23b-010-20190315</i></p> <p>The above extracts demonstrate that this is not a clear cut issue and the PPG specifically states that we (the Plan makers) need to assess the extent to which developers mitigate their direct impacts. The specific terminology used here (<i>the extent</i>) would suggest that there may be instances when developers may not be required to fully mitigate impact. This clearly ties in with the DfE guidance that refers to plans that have been informed by viability assessment. This has specifically informed the Council's response on this consultation.</p> <p>Proposed Action by Scarborough Borough Council.</p> <p>If NYCC adopt the standards set out in the consultation it will not be a simple process of adoption by Scarborough Borough Council. Due process has to be followed when policies, be that in a Local Plan or Supplementary Planning Document, are amended and the guidance above specifically states that contributions should be linked to the policy requirements in an emerging or up-to-date adopted plan that has been informed by viability assessment. NYCC has not, as far as the Borough Council is aware, carried out any of its own viability testing of the options in respect of the district councils.</p> <p><u>Adopting revised sums per pupil</u></p> <p>It may be appropriate and acceptable to update the actual figures (£'s) for use in negotiations in the short term, however, the Planning Service will have to take legal advice on that matter. Officers consider that the current SPD may allow for this change without a full review of the SPD.</p> <p>The SPD currently states that (at Para 4.3): <i>The elements within these formulae will be subject to annual review by the County Council in line with the Central Government guidelines.</i></p> <p>As this is clearly stated in the current SPD it would appear reasonable that the price per pupil figure could be updated without a full review of the SPD. The figure has not been updated since 2012 and the latest figures provided reflect real world changes in the cost of provision. This would</p>	<p>Noted</p>
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<p>be the intention of the Planning Service but as stated earlier legal sign-off would be required to implement such changes without a formal consultation.</p> <p><u>Reducing Thresholds and New Categories</u> The changes in thresholds and new categories, as stated above, have the potential to significantly increase contributions and impact on the viability of housing schemes. For this reason it is not something that the Council can adopt in the short term if the County, as suggested, adopt the new standards from May 2020.</p> <p>The impact of the changes will have to be considered fully through the review of the Local Plan and specifically the viability appraisal of the plan as a whole. As part of the process, SBC will be commissioning work by specialists in this field to assess the impacts of all policy requirements in the plan on development and examine various alternatives. The outcome of the assessment will be to determine what a development can deliver in terms of affordable housing when considering the different requirements of infrastructure provision (education, health, transport, open space) but also taking into account any mandatory requirements such as new building regulation energy efficiency requirements (expected soon).</p> <p>Once this work is complete it will be for Members to consider what the Borough Council's priorities are that need to be addressed. Any recommendation will ultimately be considered by an independently appointed Planning Inspector at the Examination in Public.</p> <p>On the matter of the additional categories there is no doubt that SEND and the provision of more specialist education is a crucial issue and one that the Borough Council supports. In terms of early years provision the initial view was less supportive. As you will appreciate the majority of early years education in the borough is provided by private ventures unrelated to NYCC. If this was to be adopted in the future the Borough Council would need to be satisfied as to the actual need for this form of educational provision (the market seems to satisfactorily do the job of providing this at the moment) and how any sums would be allocated, spent and monitored.</p> <p><u>Land Contributions</u> The principal of land contributions is a difficult issue. It is agreed that there may be instances where a land contribution is required due to limited growth options at existing schools or because a scheme is of such a scale that a new school is warranted. In such cases it is considered that these matters should really be determined at the Local Plan preparation stage (as is referred to in the consultation). By ensuring this is identified up front it provides the landowner and the developer with the knowledge that the provision of land for a school is an absolute requirement and that this should be taken into account in any land valuations (as opposed to coming off other requirements such as affordable housing).</p>	<p><u>Reducing Thresholds and New Categories</u></p> <p>Viability discussed in Section 5.14 - 5.16 of the main report.</p> <p>NYCC will request that these are reviewed in the next Local Plan review.</p> <p>With regards to early years provision, the County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. This is delivered through the private, voluntary, and independent sectors, some of which is located on school sites, as well as through schools themselves. DfE guidance recommends seeking developer contributions for all childcare provision, according to the expected demand and capacity. Following DfE guidance, developer contributions for early years provision will usually fund places at existing or new school sites.</p> <p><u>Land contributions</u> Discussed in Section 5.12 of the main report.</p>
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	<p>For this reason it is imperative that NYCC Education are fully engaged in the Local Plan review and ensure that such requirements of development are identified now and consequently included in any requirements set out in the Local Plan. These can then be factored into any viability assessments of sites proposed in the plan review.</p> <p>It is also important to ensure that the provision of land is commensurate with the requirements. For example, if a development brought about the need for a new school due to existing school limitations, it may be that NYCC wish to future proof the new school (to allow expansion). It could not be a requirement of the developer to provide a site capable of expansion beyond what the impact of their development is, however, it may be appropriate to allow a larger area of land to be transferred to NYCC for the school on the basis that the developer's financial contribution was reduced accordingly. An example of how this could work is shown below: <i>A proposal requires a new primary school (one-form entry), however, NYCC want to plan for the future expansion of the school to absorb future growth in the locality. The developer has been informed that they need to provide 4 acres of land to accommodate the school though half of this is to allow for future expansion. The financial education contribution is calculated at £500,000. In this instance it would be appropriate to put a value on the additional 2 acres of land provided (potentially at residential land value) and subtract that from the contribution. So if the land was valued at £300,000 the contribution would be reduced to £200,000.</i></p> <p><u>Legal Agreements: Model Clauses</u> The consultation sets out model clauses for legal agreements and appears to suggest that NYCC should be party to agreements. This is not supported for the majority of cases. With the threshold potentially being brought down to 10 dwellings this would bring most 'Major' residential applications within the scope of education payments. As you will be aware, the proportion of Major applications determined within 13 weeks (or an extension agreed with the applicant) is the most important determinant when taking Council planning services into special measures. In practice, most applications with s106 obligations take longer than 13 weeks. Fortunately, because we are in the same organisation/building as the Borough's Legal Services we can keep applicants up to date on the current position (even if there are sometimes delays), making it easier to predict when the planning permission will be ultimately determined. By bringing a further remote party into the process, any control/influence that we currently have is significantly diminished, and would likely cause further delay, thus undermining the achievement of the key government targets. There may be cases (e.g. land transfer) where NYCC have to be s106 signatories, but for simple commuted sum payments this is not in the Borough Council's best interests and is considered unnecessary.</p> <p>Concluding Remarks</p>	<p><u>Legal Agreements: Model Clauses</u> Model clauses are intended to reduce the timescales required to agree education clauses in Section 106 agreements. The request for the County Council to be a party to any Section 106 agreements concerning education contributions is to regularise the position as other LPAs, including Craven and Harrogate, routinely add NYCC as a party to such agreements.</p>
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	<p>Please take the above comments as Scarborough Borough Council's formal response to the consultation. In addition, I would like to take the opportunity to ask a question on a specific scenario (see below).</p> <p>Question for NYCC Education: How would we be expected to consider a scheme of over 100 units but where the number of 1 bed units reduce the number of 2+ units to 99 units or less? Would this not require a SEND or early years contribution? It would seem perverse that such a scheme would not make a contribution and could be a way for developers to skirt thresholds on schemes.</p> <p>As a suggestion would it not be better to assess the need for SEND places on all schemes where a minimum of fifty 2+ bedroom homes are proposed. The rationale for this would be that the provision of such places would still be based on the 1 pupil per 100 homes but using rounding it would therefore kick in at a lower threshold.</p> <p>As your formulae are based on the statistical likelihood of a development having a resident who has special educational requirements then the balance of probability would suggest that when there is between fifty and ninety nine (2+ bedroom) units there will be a pupil with such needs (so in essence rounds up from any figure between 0.5 and 0.99 to 1)</p>	<p><u>SEND thresholds</u> The thresholds were set at 100 houses to limit the additional financial cost put on smaller developments in the context of concerns about viability. Discussed in Section 5.11 of the main report.</p>
Selby District Council	<p>Thank you for consulting Selby District Council on the proposed changes to Developer Contributions for Education. Although Officers understand the necessity to review contributions for education we have concerns about how the changes will work in practice given that Selby District Council have CIL in place and the implications for the viability of proposals. Further details of our concerns on the proposed changes are set out below.</p> <p><u>Relationship with CIL</u> As you will be aware Selby District Council implemented a CIL Charging Schedule on 1st January 2016. The Charging Schedule was adopted following an independent examination which considered the viability of the CIL charge and the infrastructure requirements identified in the Infrastructure Delivery Plan. Provision for primary and secondary school education was included in the Regulation 123 list and therefore contributions for this purpose have been sought through this mechanism rather than through S106 contributions. The amendments to the CIL Regulations which came into force on 1st September 2019 have replaced the Regulation 123 with the requirement to publish an Infrastructure Funding Statement the first of which will be published in December 2020.</p> <p>The 2019 amendments to the Regulations also removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure. National Planning Guidance says this means that, subject to meeting the 3 tests set out in CIL Regulation 122, charging</p>	

authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.

Officers have concerns that it will be extremely difficult to conclude that S106 contributions are necessary unless it can be demonstrated that the specific infrastructure will not be funded by CIL. It is considered that further detailed analysis will be required to demonstrate to developers what additional funding is required to support additional contributions for education provision until an Infrastructure Funding Statement is in place.

Impact on Viability

Officers also have concerns about the impact the proposals will have in terms of the overall viability of new development in the District. Overleaf are examples of two scenarios based on recent planning permissions in the District.

Example A

Development of 200 dwellings with £679,800 sought for primary school improvements based on anticipated need for 50 school places.

Under the new proposals this would require contributions for:-

- Primary school improvements - £788,300
- Secondary School Provision - £540,025
- SEND contribution - £126,128
- Early Years contribution - £31,532
- CIL contribution - £574,087 (based on 25% affordable housing contribution in a moderate charging area)

Total contributions £2,060,072

This represents an increase of £1,380,271

Example B

Development of 25 dwellings with £84,975 sought for primary school improvements. Based on anticipated need for 6.5 school places.

Under the new proposals this would require contributions for:-

- Primary School Provision - £98,537
- Secondary School Provision -£67,503
- CIL contribution - £71,761 (based on 25% affordable housing contribution in a moderate charging area)

Total Contributions - £237,801

	<p>This represents an increase of £152,826</p> <p>The examples above show that the proposed changes set out in the consultation document will result in significant increases in developer contributions which will undoubtedly impact the viability of future developments. It is important to note that in addition to contributions for education, developers are also likely to be required to provide affordable housing, contributions to health, highways, household waste, recreational open space and bio-diversity offsetting measures. In November 2019 DFE published the paper titled “Securing Developer Contributions for Education”. The paper suggests that Education Authorities work with local planning authorities in devising their approaches to securing developer contributions to consider the most appropriate mechanism to secure contributions from developers towards education alongside other infrastructure priorities. Paragraph 14 goes onto to say that the amount of money sought through developer contributions for education provision should reflect the cost of providing school places, linked to the policy requirements in an up to date emerging or adopted plan that has been informed by viability assessment.</p> <p>The National Planning Practice Guidance says that policies for planning obligations should be set out in plans and examined in public. Paragraph 004 of the National Planning Practice Guidance says that whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development.</p> <p>Although planning obligations are negotiable the Community Infrastructure Levy is not and therefore this payment is the starting point in any negotiations with developers in relation to any other contributions which are considered necessary. The CIL charging schedule was based on a viability assessment which stripped out contributions which were to be sought through CIL and this included education provision.</p> <p>As you will be aware Selby District Council are currently preparing a new Local Plan for the District which will seek to establish the infrastructure requirements necessary to support future growth and the viability of proposals will be robustly tested. As part of this process the CIL charging rates will be reviewed and will also be subject to viability testing.</p> <p>The requirement for developers to make CIL payments in addition to the suggested rates for education provision will undoubtedly impact the viability of future development proposals. This will</p>	
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	<p>also lead to delays in undertaking viability assessments at the planning application stage and could have a negative impact on the Council’s ability to maintain a 5 year supply of housing.</p> <p>For the reasons outlined above officers consider that any changes to the approach for planning obligations should be subject to detailed analysis of the infrastructure requirements necessary to support future growth with a robust assessment undertaken on the impact proposals will have on the viability of development and that this should be undertaken through the preparation of the Local Plan and CIL review.</p> <p>I hope this information is helpful, however if you require any further information please do not hesitate to me.</p>	
District and County Councillors		
<p>District Councillor</p>	<p>My name is # and I am a District Councillor in Craven who sits on the Planning Committee. I have a great interest in “developer contributions” and have been trying over recent months to help NYCC to get monies rightfully due to them for both education and highways. At times it seems like I am banging my head against a brick wall !! I have been passed you Consultation document by a third party who knows what I am trying to achieve. Many of my fellow Elected Members share my concerns about building more and more houses without providing the necessary infrastructure. Initially I have 2 questions which I need answers to quite quickly because our own Council is trying to get us to pass a planning application in which they have a financial interest and their stance on contributions and safeguarding land for new schools concerns me. This development will probably be discussed by the planning Committee on 16/3/20 and could set a terrible precedent if things are not dealt with properly. Firstly, where land is safeguarded for a new school, do NYCC intend purchasing it at open market value. If they do, my concerns evaporate. But if they expect to get it for nothing or at a reduced rate (as one of your senior colleagues recently told me) I have a problem with what is going on. Secondly, if a developer says that they “won’t safeguard their land” because they believe it to be unsuitable for a school, even though the Local Plan says they should, what would you do ?? This is exactly what appears to be happening in this case. I hope to respond more fully to the consultation before the deadline but my initial thought is that there is a fundamental flaw in the proposal. I think a blanket contribution should be made (if acceptable in planning terms) rather than one that is site specific. Currently in Skipton we have the ridiculous situation where NYCC are telling CDC that they do not need a primary school contribution at Airedale Avenue because the local primary school needs pupils. And initially NYCC didn’t even know which the relevant catchment area was !! I had to correct their error. The only reason it needs pupils is that it is in “special measures” so all the kids are being driven out to neighbouring villages. That cannot be right and should not lead to a developer avoiding making contributions. The same basic principle applies at the secondary school. Because it currently</p>	<p>Land for new schools discussed in Section 5.12 of the main report.</p> <p>In a situation where a developer is unwilling to safeguard land which has been allocated for education use in the Local plan, it would be for each individual district council, as the local planning authority, to consider on a case by case basis whether the planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.</p> <p>In our view if Section 106 agreements contained a blanket contribution to primary and secondary education provision by every development this would not be acceptable in planning terms.</p>

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	<p>hasn't got the best reputation it is losing pupils to nearby establishments. It isn't fair on developers in areas where school places are sought after that no contributions are sought under these circumstances. Finally, do you not think it would make sense to ask all your Councils to share your consultation document with the decision makers like myself. Just a thought !!</p>	<p>A consequence of making a planning obligation directly related to the development is that where the catchment area primary school or secondary school is forecast to have the capacity to accommodate all the children likely to be generated by the development, a planning contribution would not be sought for that phase of education.</p> <p>Regarding Elsey Croft we remain in communication with both Craven DC and the other party to better understand the specific issues presented by this matter.</p>
County Councillor	<p>Fully agree with all these proposals. Developers should be made to contribute to education provision, whether in existing schools or through new facilities. Welcome the demands for SEND contributions, but think we should demand more, as this is a high cost service. Developers already often manage to avoid contributions to other infrastructure and provision, education should not be able to be treated likewise. It is vital that District Councils who are the primary planning authorities, should also be given support and authority to invoke this with developers, by the County Council.</p>	<p>Discussed in section 5.12-5.13 of the main report.</p>
<p>Town and Parish Councils in North Yorkshire</p>		
Amotherby Parish Council	<p>Agree with the proposed policy.</p>	<p>Noted</p>
Burton Salmon Parish Council	<p>Burton Salmon Parish Council would like to thank you for consulting with them on the new policy for developer contributions for education. They have no comments to make at this time.</p>	
Crakehall with Langthorne Parish Council	<p>The approach outlined in the consultation document is supported by the parish council.</p>	<p>Noted.</p>
Kirkby-in-Cleveland Parish Council	<p>The question was raised as to how the level of liability is calculated if a development of one site is done in two stages, each a separate planning application, as may be the case of the Waters Meet development in Gt. Broughton if the second stage goes ahead. If the second stage is treated as a completely separate development and the shortfall of school places remains the same, the developer could end up with a lower liability than if the whole development had proceeded as one</p>	<p>The forecast of future school capacity and pupils on roll takes into account any unimplemented planning permissions. So with the developments and school capacity set</p>

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	<p>in the first instance. E.g. First stage development is for 40 houses, liability for primary school places is $40 \times 0.25 = 10$. If the school has 5 spaces the shortfall and the developer's liability would be $10 - 5 = 5$. If there is then a second stage of another 40 houses on the same site but which has gone forward as a separate application and there has been no change in the school's circumstances, then the developer's liability would be the same, i.e. 5, which gives a total of 10 over the whole development. However if the entire development had gone forward under the first application, the calculation would have been $80 \times 0.25 = 20$. The school still has only 5 spaces, but the calculation is now $20 - 5 = 15$ and this would be the developer's liability, 5 more spaces. Is there something in the new policy for developer contributions which will allow for this situation to ensure that the developer makes the appropriate contribution over the whole development?</p>	<p>out in this scenario, if the original development of 40 houses had received planning permission when the second separate planning application of 40 houses was submitted, that would be taken into account in the assessment of capacity and places available at the school, and the developer would be required to contribute towards providing 10 rather than 5 additional places.</p>
Filey Town Council	<p>Filey Town Council Planning Committee support these proposals, they consider that Special Educational Needs are underfunded in our area. Capacity at schools in Filey is not an issue.</p>	<p>Noted.</p>
Husthwaite Parish Council	<p>Husthwaite Parish Council agree with the proposals in the consultation document.</p>	<p>Noted.</p>
Ingleton Parish Council	<p>At the recent Parish Council meeting the Councillors raised concerns that any funding raised through planning gain for education should be ring fenced for the area in which the developments are proposed. It was also suggested that for transparency figures showing the where the money is spent should be provided to local Parish Councils.</p>	<p>An Infrastructure funding statement published online by 31 December 2020 and annually thereafter will report on any developer contributions received, and also when and where contributions have been spent. This will give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area. These details have been added to p. 11 of the draft policy (Annex 1).</p>
Middleham Town Council	<p>This Council seeks to circulate relevant surveys as widely as possible within our community so will put details on noticeboards, the shop window, council website and in the community centre foyer. We shall also email to our contacts. To do this effectively really requires a poster - can one be sent please? I think it would have been helpful to have circulated the response sheet separately or at least refer to where it is at the end of the consultation document. Sorry, I'm not wanting to be critical but these are important topics and we want to support you to get the best possible response.</p>	<p>Poster sent.</p>
Skipton Town Council	<p>Members of Skipton Town Council Planning Committee welcome the introduction of a new policy on developer contributions for education. Members agree with the Pupil yield per house, with the exception that Members feel that 0.01 is set too low for those children with Special Educational Needs and Disabilities.</p>	<p>SEND yield based on yield derived from recent housing developments across the County and is comparable with other local authorities.</p>

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Staveley and Copgrove Parish Council	If these amendments are partly due to a need for more certainty then why not amend CIL? Funds should be directed to the specific area affected, it is not clear that this is the intention rather than simply raising funds for the Council in general to use at any school within its remit.	This is not the intention. Calculating developer contributions for primary and secondary education will be based on shortfalls of places in the local schools which are generally the catchment area schools for the proposed development.
Tadcaster Town Council	By and in large we agree with the proposals that have been put forward in this consultation. Our only major observation is that considering the relative paucity of housing development in our town, the figures being suggested for the threshold at which the developer contributions would kick in are not likely to be of any great help to our town, though we do recognise that we are something of an unusual case in this regard. It could also be made clearer whether secondary schools receive the proposed monies based on development in their immediate locality, or their entire catchment area, as the latter can often be significantly larger, and in our case the relative lack of development within Tadcaster itself would be disadvantageous to the local secondary school.	Calculating developer contributions for primary and secondary education will be based on shortfalls of places in the local schools which are generally the catchment area schools for the proposed development.
Other councils		
Leeds City Council	Although basic need funding can be used for new learning places that are required due to housing development, there is an expectation that the minimum amount of basic need grant funding is used to fund new learning places required as a result of this. The policy changes outlined in the consultation document seem reasonable to help ensure that developers are providing an appropriate contribution towards mitigating the impact of their housing developments on the availability of all types of learning provision and are in line with the recommendation set out in the Department for Education's non-statutory guidance 'Securing developer contributions for education' (November 2019).	Noted.
Developers		
Addison Planning Consultants Ltd	The County Council's proposition to produce a 'bottom drawer' planning policy document to secure developer contributions is contrary to National Planning Policy as a matter of principle and potentially unlawful. Firstly, the County Council is not the Local Planning Authority for the purposes of determining Planning Applications other than Minerals. It has no power to produce Supplementary Planning Documents that impose local planning policy on the Districts within the County. Secondly, the proposal directly conflicts with Government Planning Policy and Guidance in relation to Developer Contributions. Note the following extract from the Practice Guidelines which amplify the NPPF. Policies for planning obligations for developer contributions must be set	The County Council is not seeking to impose local planning policy on district councils. The policy sets out how the County Council will assess developer contributions needed for education. The majority of other county councils in two-tier areas have similar policies, either specifically for

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	<p>out in an Adopted Development Plan following an Examination in Public that test the evidence and justification for those policies: "Where should policy on seeking planning obligations be set out? Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability. This evidence of need can be standardised or formulaic (for example regional cost multipliers for providing school places. See the guidance from the Department for Education on 'Securing developer contributions for education'. However, plan makers should consider how needs and viability may differ between site typologies and may choose to set different policy requirements for different sites or types of development in their plans. It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure. Local communities should be involved in the setting of policies for contributions expected from development. See related guidance: Viability and Plan-making Paragraph: 004 Reference ID: 23b-004-20190901 Revision date: 01 09 2019 See previous version" In addition, the proposed policy would conflict with the policies of the Districts - particularly where some (such as Harrogate) have chosen to pursue an Community Infrastructure Levy. As a matter of principle the County Council should leave the preparation of policies seeking developer contributions for Education to the individual Districts to pursue through their Development Plans.</p>	<p>education or for developer contributions more generally. As stated in the consultation document, it will be for each individual district council, as the local planning authority, to consider on a case by case basis whether a planning obligation for education is necessary to make a development acceptable in planning terms, taking into consideration their Local Plan policies, the County Council policy, and relevant legislation and guidance.</p> <p>Changes to the CIL regulations in September 2019 allow planning obligations to fund infrastructure also being partly funded by CIL.</p>
<p>Anwyl Land Limited</p>	<p>We are concerned that the policy does not allow for the viability of a scheme to be tested in the event that the level of financial contribution will render a development to be un-deliverable. We also request that in the event where a development is providing land for the delivery of a new school, that the residential development value of the land is offset against the level of financial contribution. The loss of residential development land is not recognised within the policy, and should be mitigated for in these circumstances.</p>	<p>Land for new schools discussed in Section 5.12 of the main report.</p>
<p>Banks Group</p>	<p>Banks Property Ltd is commenting on this consultation because we are a developer of a strategic housing allocation in Harrogate (ref H51 in the Local Plan).</p>	

	<p>The principle that each housing development should cover the costs of providing additional education capacity is acceptable but it has to be viewed as part of a bigger picture where local authorities also seek contributions for other facilities and a high proportion of affordable housing on sites. If the cost of contributions keeps rising faster than house price growth then it will start to erode the ability to meet all the expectations. The consultation document refers to build costs increasing between 25 and 40% but house prices have not increased by this amount over this period so there is a threat to viability.</p> <p>The Harrogate Local Plan has recently been examined and found sound. Site viability assumptions which informed that plan were based upon existing levels of education contribution not the increased ones now proposed by the County Council.</p> <p>Where land for a new school is required as part of a development it is rarely going to fall equitably between land owners. There needs to be a mechanism or at least flexibility to accept land as contribution “in kind”. The new policy for education contributions should address this issue.</p>	<p>The house price growth of newly built houses in Harrogate borough has been over 95 per cent between 2009 and 2019.</p> <p>We have included the following statement in the draft policy: “In multi-phase developments, we may recommend land-equalisation approaches to ensure the development ‘hosting’ a new school (and any additional safeguarded land) is not disadvantaged.”</p>
<p>Gladman Developments</p>	<p>Introduction: This representation is submitted in response to the above consultation on the new County Council policy on developer contributions for education. This purpose of this consultation is to consider views on the proposed policy which will set out the methodology to consider whether existing school capacity is sufficient to accommodate proposed development within the relevant area, and the developer contributions required when capacity is not sufficient. Gladman have considerable experience in dealing with Planning Obligations and the Community Infrastructure Levy (CIL) across the country and these representations are based on our knowledge of the system and lessons learned from our experience.</p> <p>Regulations Planning Obligations sought by North Yorkshire County Council (NYCC) must comply with the Community Infrastructure Levy Regulations (2010), which came into effect in April 2010. The onus is on the Council to provide justifications on the contributions sought, in compliance with CIL Regulations 122. Regulation 122 applies to all decisions to grant planning permission on or after 6 April 2010 and means that all relevant obligations, such as monetary contributions, must meet the following three tests, which are explained under paragraph 56 of the NPPF: • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. It is important to remember that planning obligations should be applied flexibly to prevent planned development from being stalled. Where planning obligations are being sought the Council should take into account changes in market conditions over time. The costs of any requirements likely to be applied to development</p>	

	<p>should, when taking into account the normal costs of development, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.</p> <p>Developer’s Contribution for Education North Yorkshire County Council’s proposed policy in developer contributions for education is generally aligned with the guidance set out by the Department for Education and contained within the PPG. An important impact from development that often requires mitigation is the generation of additional primary and secondary school pupils who require schools within the vicinity of the new housing developments. Expanding or providing new schools in response to increased demand from new housing development can often prove challenging but the Council must not use the lack of land for new schools or the inability to expand existing schools as reasons for refusing otherwise sustainable housing development. Paragraph 94 of the NPPF makes clear that Councils should take a ‘positive and collaborative approach’ to ensuring sufficient choice of school places to meet the needs of existing and new communities. This was reiterated in a letter the Housing and Planning Minister Brandon Lewis sent to Council Chief Executives stating that “...supporting housing development to increase supply, and providing high quality school places for every child are two of the Government’s top priorities.” The letter requires that Councils should “consider carefully representations from developers about the timing of their contributions” and that “where there are genuine concerns that funding new school places alongside the development may render it unviable if homes are yet to be sold, we would encourage local authorities to be flexible in seeking such obligations upfront.” In this regard, NYCC have proposed to lower the threshold for which primary education contributions should be sought to 10 dwellings and for secondary education contributions to 25 dwellings in line with guidance set out in the PPG for affordable housing contributions. Gladman would contend that it is important to recognise regional differences across the County and suggest that a blanket policy approach to delivering contributions for education may not be appropriate if they were to restrict otherwise sustainable development. Furthermore, following the CIL Regulation amendments in September 2019 NYCC have proposed to continue to request Section 106 contributions for education across the County, including those local authorities which have adopted the CIL amendments. Whilst this may allow infrastructure to be funded partly through both sources of developer contributions, it is vital that developers are not charged twice for the same scheme ensuring that the viability of a scheme is properly assessed against the cost repercussions of the CIL and S106 . In this case it is vital that the evidence for setting developer contributions is set out and is and continuously monitored to ensure a transparent and accountable system .</p> <p>Conclusions Gladman welcome the opportunity to comment on the Draft Developer Contributions for Education policy and would like to be kept informed as the document is progressed. Gladman reserve the right to provide further comments on the Policy at any later stage of public</p>	<p>Where a Section 106 contribution for education is agreed to mitigate the impact of a specific development, the County Council will not request an education contribution from CIL revenues to mitigate the impact of the same development. These details have been added to p. 4 of the draft policy (Annex 1).</p>
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	<p>consultation. The fundamental point which Gladman reiterate through this submission is the need to ensure that any obligations sought meet the Regulation 122 tests which state they need to be: • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. I hope you have found these representations constructive, should you wish to discuss any of the points raised in further detail please do not hesitate to contact a member of the Gladman team. A receipt of the above representation submitted by Gladman would be appreciated.</p>	
<p>Gladman Development Ltd</p>	<p>Thank you for the opportunity to comment on the draft policy.</p> <p>1. Viability The proposed increase in the 'cost per place' across all types of schools is not insignificant. It is unclear what work has been carried out in respect of the associated impact on the viability of developments across the County. In addition, the draft policy proposes to request s106 contributions across all LPAs, including those with adopted CILs. This is concerning as the levy rates were informed by viability assessments which took into consideration likely s106 contributions which will not have included education if it was proposed to be covered by CIL. Adding in education s106 contributions on top of CIL will significantly and detrimentally change the overall viability position. The knock on implications need to be considered. The draft policy sets out that "National Planning Practice Guidance has an initial assumption that development will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development." This approach could represent a significant financial burden on a particular development site, the County Council should explore whether there is a mechanism whereby s106 contributions can be off-set through the provision of land. This must apply where a developer is providing more land than is necessary to mitigate the impact of their development (eg they are providing land for a new school which will benefit other new developments or they are providing more land to future proof the school and allow for its future expansion if necessary at the request of the education authority. At all times s106 contributions and request for land must adhere to the national CIL regulations.</p> <p>2. Calculating contributions The draft policy states that the contribution will be assessed with regards to the anticipated capacity at year 5 (i.e 5 years from the date at which the assessment is carried out as part of the planning application determination). Whilst this may be a sensible approach for smaller sites that are likely to have started delivering housing, and therefore new pupils, by year 5, for larger schemes or those that are more complex there should be some flexibility to allow for projections to look beyond year 5.</p> <p>Plan making Welcome the commitment that NYCC will work with the relevant LPA at the plan making stage as well as through the development management (DM) process. However, we would encourage the Education Authority to ensure it engages with emerging plans from the</p>	

	<p>outset to ensure that all matters relating to education provision, especially where new schools are required, are established clearly in the Plan. we have recent experience in Harrogate where new school provision was not resolved through the emerging Plan process and we are now in the position where this is having to be resolved through the DM process which is causing significant delays to the determination of planning applications. Should you wish to discuss any of the above in more detail we would be happy to do so. Kind regards. I have included more detail on the background evidence used to influence the policy.</p>	
Schools		
Burton Leonard C of E Primary School	<p>just check under Section 106 that it is the total number of houses in the development and not just those that have children at school attendance age.</p>	<p>Education contributions are sought on the total number of houses in the development with 2 or more bedrooms.</p>
Others		
Defence Infrastructure Organisation	<p>NYCC - CONSULTATION ON A NEW POLICY ON DEVELOPER CONTRIBUTIONS FOR EDUCATION</p> <p>We write on behalf of the Secretary of State for Defence in connection with the above consultation. Firstly, may we thank the County Council for the opportunity to comment on the emerging policy. The MOD has one of the largest land-holdings in North-Yorkshire. Over the coming years significant changes will occur over that land area and in some of these areas we are already working with the County Council on development proposals. These changes include:</p> <ul style="list-style-type: none"> • At Catterick Garrison where the Defence Infrastructure Organisation (DIO) is working with Richmondshire District Council to deliver a significant expansion in the provision of Service Family Accommodation (SFA) housing. • At Ripon, we are also working with Harrogate Borough Council on the redevelopment of the barracks site for general market housing. • Significant changes across a range of other MOD sites in North Yorkshire, both in terms of provision for operational facilities, but also other general market developments. <p>The DIO therefore has a keen interest in the development of this new policy on developer contributions.</p> <p>The new policy would result in a significant increase in contributions to the provision of new secondary and primary school places across North Yorkshire as a whole. Proposed contributions are derived from published figures in the Department for Education school place scorecards and are therefore considered reasonable.</p>	

	<p>It is not, however, entirely clear from the document whether the figures have been adjusted to take account of BCIS Location Indices, in accordance with Department for Education (DfE) non-statutory guidance 'Securing developer contributions for education' (November 2019), and which regional index has been applied. It would therefore aid transparency if this could be set-out in the new policy and within emerging Local Plans.</p> <p>The provisions for contributions towards Special Educational Needs and Disabilities (SEND) and early years provision, in line with 'Securing developer contributions for education' (November 2019), are noted and we have no objections to these. However, it is again unclear how the pupil yields, and thresholds have been calculated and it would therefore be helpful if the rationale for these could be set out in the new policy.</p> <p>The report also does not confirm whether developer contributions negotiated in S106 agreements will be index-linked to ensure payments take account of inflation. This should also be confirmed in the forthcoming policy. The use of standard UK Government indexes should be referenced. For clarification: The MOD has a large stock of on-site Single Living Accommodation (SLA) at its bases in North Yorkshire. Given its unique characteristics this type of accommodation is distinct from Class C3 housing or flats and has not been subject to developer contributions towards education infrastructure. It is recommended that the new policy confirms that this exemption will apply to provide clarity for any future negotiations with planning authorities.</p> <p>Embedding the policy within emerging Local Plans would clarify the position for developers and strengthen its weight, but also ensure that viability considerations have been considered. It is important to ensure that developments are not made unviable, once these costs are added to wider planning obligations.</p> <p>Equally at the specific development level there is a need to ensure that contributions are proportionate, fair, reasonable and a viable level of contribution is sought taking on board other costs to be borne.</p> <p>We trust that these comments will be of assistance and will look forward to receiving the responses to the issues raised.</p>	<p>National average costs published in DfE school place scorecards have been adjusted to reflect costs in the region using BCIS location factors.</p> <p>SEND pupil yield derived from recent local housing developments across the County (Annex 2, Appendix 4). Early Years pupil yield set out on pp. 8-9 of draft policy (Annex 1).</p> <p>Cost place multipliers will be updated annually – see p. 7 of the draft policy.</p> <p>Developer contributions will only be sought for dwellings with 2 or more bedrooms: see p. 5 of draft policy.</p>
DfE	<p>Submission of the Department for Education</p> <p>1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level.</p>	

	<p>2. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and DfE is the delivery body for many of these, rather than local education authorities. However, local education authorities still retain the statutory responsibility to ensure sufficient school places, including those at sixth form, and have a key role in securing contributions from development to new education infrastructure. In this context, we aim to work closely with local authority education departments and planning authorities to meet the demand for new school places and new schools. We have published guidance on education provision in garden communities and securing developer contributions for education, at https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth. You will also be aware of the corresponding additions to Planning Practice Guidance on planning obligations and viability.</p> <p>3. We would like to offer the following comments in response to the proposals outlined in the above consultation document.</p> <p>Specific Comments</p> <p>4. The overall policy approach to developer contributions suggested by North Yorkshire County Council is positive. However, there are some parts of the policy which would benefit from more detail to help explain the approach taken.</p> <p>5. We welcome the commitment to use DfE school places scorecards to calculate the costs per place, for added clarity it would be useful to include a link to the scorecards within the document.</p> <p>6. Special Educational Need and Early Year places - it would be helpful if the policy could include the evidence and justification used for using the chosen thresholds (Page 4) for SEND and EY. We support the recommendation made in the SEND section of the policy on Page 3 that developer contributions for special or alternative school places are set at four times the cost of mainstream places. It would be helpful to provide the context to this figure by including a link to the space standards set out in Building Bulletin 104.</p> <p>7. The document would be strengthened by including the evidence used to derive the yields outlined on Pages 3 and 4 of the document. It would provide the development industry with greater clarity if the yields (set out in the table on Page 4) included a breakdown based on bedroom numbers. The EY yield used looks to be on the low side, this should encompass all children from birth to age four. DfE guidance recommends seeking developer contributions for all childcare provision, according to the expected demand and capacity.</p>	<p>5. This is provided in p.6 of the draft policy (Annex 1)</p> <p>6. This is set out in pp. 7-8 of the draft policy (Annex 1).</p> <p>7. Evidence used to derive the yields is included as Appendices 2-4 in the supporting appendices (Annex 2) to the draft policy.</p>
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<p>8. The first paragraph on Page 3 should be amended to clarify that developer contributions will typically include both the build cost of the new school and the provision of the land on which the school is to be built. In addition, the policy should include information on the approach that will be taken in relation to seeking planning obligations from affordable housing.</p> <p>9. In the summary table (Page 4), it is unclear why the same SEND cost per place has been used for both expansions and new schools. By having a higher cost for a new SEND school would enable, for example, £91,056 to be charged per SEND place, for pupils over the age of 11. It is also unclear as to why the early years cost is the same for new provision as it is for expansions. In this instance, using the DfE guidance would allow you to secure £18,630 per place compared to £15,766 from the approach suggested by your policy, you may wish to consider revising your guidance accordingly</p> <p>10. The policy should also provide details on how school capacity will be calculated and whether this will take account of out-of-catchment admissions.</p> <p>11. DfE is currently undertaking a data-linking project to determine pupil yield from housing developments across the country. It will show pupil yields from developments completed in 2008, from first occupation until the latest record, providing evidence of how quickly yields build up, peak, and start to stabilise. There will be recommendations for LAs on how they can update the data in subsequent years using the school census and free housing data from Ordnance Survey, to increase long-term value, as this is likely to be a one-off exercise for DfE. While initial outputs for a smaller study area are expected to be produced alongside draft guidance by late spring 2020, the dates for consultation are unknown due to the ongoing Covid19 situation. If North Yorkshire Council wishes to be involved and has capacity to respond to a targeted consultation on the draft pupil yield guidance over the coming months, please contact me.</p> <p>Developer contributions</p> <p>12. Local authorities have sometimes experienced challenges in funding schools via Section 106 planning obligations due to limitations on the pooling of developer contributions for the same item or type of infrastructure. However, the revised CIL Regulations remove this constraint, allowing unlimited pooling of developer contributions from planning obligations and the use of both Section 106 funding and CIL for the same item of infrastructure. The advantage of using Section 106 relative to CIL for funding schools is that it is clear and transparent to all stakeholders what value of contribution is being allocated by which development to which schools, thereby increasing certainty that developer contributions will be used to fund the new school places that are needed. DfE supports the use of planning obligations to secure developer contributions for education wherever there is a need to mitigate the direct impacts of development, consistent with Regulation 122 of the CIL Regulations.</p>	<p>8. Clarification added on p. 5 and p. 7 of the draft policy (Annex 1).</p> <p>9. Discussed in section 5.10-5.11 of the main report.</p> <p>10. These are based on the latest school capacity information, applying the DfE guidance Assessing the Net Capacity of Schools (2002). Forecasts of future pupils on roll are based on the current pattern of preference for admissions.</p>
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	<p>13. Developer Loans for Schools (DLS) was launched in autumn 2019. The DLS may be used to forward fund schools as part of large residential developments, for example if viability becomes an issue. In light of the objectives of this policy, it would be helpful to reference this initiative within the document. Please see the Developer Loans for Schools prospectus for more information. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.</p> <p>Conclusion</p> <p>14. Finally, I hope the above comments are helpful in shaping the North Yorkshire County Council’s Developer Contributions for Education Policy. Please advise DfE of any proposed changes to the emerging policies and/or evidence base arising from these comments.</p> <p>15. Please do not hesitate to contact me if you have any queries regarding this response. DfE looks forward to working with North Yorkshire County Council to aid in the preparation of sound policies for education.</p>	<p>13. Reference to Developer Loans for Schools added to p. 10 of the draft policy (Annex 1).</p>
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Developer contributions for education: Comparison of North Yorkshire with nearest neighbours

1 Introduction

- 1.1 This analysis compares North Yorkshire with 15 other councils with the most similar statistical characteristics in terms of social and economic features, based on the CIPFA (Chartered Institute of Public Finance and Accountancy) nearest neighbour dataset. These are all county councils in two-tier authority areas which are predominantly rural.
- 1.2 The total developer contributions payable per house based on a development of 100 houses are assessed by examining each county council's agreed pupil yields, thresholds (for the minimum number of houses assessed), and contributions per place for:
- primary and secondary education;
- and where they are requested, for:
- 16-18
 - Early Years
 - SEND
- 1.3 Some of these counties have CIL charging regimes operating within parts of their areas, but it is assumed here that for education provision only Section 106 contributions are being requested.
- 1.4 It is assumed that local schools serving the development will be at capacity, and therefore that contributions are being sought for every place. All contributions per place are for expansions to existing schools rather than for new schools.

2 How do North Yorkshire's proposals compare with what its nearest neighbour counties are requesting for developer contributions for education?

- 2.1 Using the policies of each county council, North Yorkshire's current and proposed rates for developer contributions for education are compared with those of its nearest neighbour county councils.
- 2.2 These are examined firstly for primary and secondary education contributions (Table 1). This comparison shows that North Yorkshire's current contributions for education sought per place are lower than most other nearest neighbour county councils. North Yorkshire's primary and secondary pupil yields per house are comparable with those used by the other county councils. North Yorkshire's proposed thresholds for assessment and costs per place are comparable with those currently being applied in many other nearest neighbour county councils.

Table 1: Primary and Secondary education contributions in comparator counties

	Primary Pupil yield per house	Threshold	Contribution per place	Secondary Pupil yield per house	Threshold	Contribution per place
N Yorks (current)	0.25	15-25	£13,596	0.13	25-150	£20,293
N Yorks (proposed)	0.25	10	£15,766	0.13	25	£21,601
Cumbria	0.20	15	£12,051	0.14	15	£18,188
Staffordshire	0.21	10	£13,165	0.15	10	£17,114
Lincolnshire	0.20		£11,276	0.19		£16,991
West Sussex	0.25		£18,933	0.18		£28,528
Warwickshire	0.26	10	£16,098	0.19	10	£19,403
Norfolk	0.28		£14,022	0.15		£15,664
Nottinghamshire	0.21	10	£17,426	0.16	10	£23,875
Gloucestershire	0.28		£15,091	0.17		£23,012
Leicestershire	0.30	10	£14,592	0.20	10	£18,118
Devon	0.25	4	£16,432	0.15	4	£22,513
Somerset	0.32		£17,074	0.14		£24,861
Suffolk	0.25	10	£16,596	0.18	10	£22,738
Worcestershire	0.27	10	£17,649	0.19	10	£23,528
Cambridgeshire	0.30		£23,833	0.22		£26,255
Mean average	0.26	9.9	£16,000	0.17	11.6	£21,493

2.3 The full education contributions being sought in comparator counties are also examined and compared with those currently sought and being proposed in North Yorkshire (Table 2). This shows that the proposed contributions for early years and SEND in North Yorkshire are comparable with other counties and below the average for this group. The full education contribution that would be sought when early years and SEND are taken into account is also comparable with other counties and below the average for this group.

Table 2: Full education contributions sought per house in comparator counties

	Full Education Contribution sought per house	Primary & Secondary Contribution sought per house	16-18 Contribution sought per house	Early Years Contribution sought per house	SEND Contribution sought per house
N Yorks (current)	£6,037	£6,037			
N Yorks (proposed)	£8,169	£6,750		£788	£631
Cumbria	£5,041	£5,041			
Staffordshire	£6,284	£5,332	£557	£395	
Lincolnshire	£6,184	£5,484	£700		
West Sussex	£11,106	£9,868	£1,238		
Warwickshire	£9,652	£7,822	£724	£841	£266
Norfolk	£7,807	£6,211	£235	£1,360	
Nottinghamshire	£7,479	£7,479			
Gloucestershire	£9,363	£8,136		£1,227	
Leicestershire	£9,323	£8,001		£757	£564
Devon	£10,029	£7,485	£1,351	£25	£1,168
Somerset	£10,481	£8,944		£1,537	
Suffolk	£10,811	£8,242	£910	£1,660	
Worcestershire	£12,754	£9,236		£1,871	£1,647
Cambridgeshire	£18,837	£12,795		£4,989	£1,053
Mean average	£9,412	£7,741	£816	£1,466	£940

3 How do North Yorkshire's proposals compare with other counties when the housing market is taken into account?

- 3.1 Data on house prices of newly built houses in each county is used to compare the different housing markets.
- 3.2 The full education contribution (including early years and SEND) sought per house (based on a development of 100 houses) is compared against the median house price of newly built houses (Table 3). This shows that North Yorkshire's current contributions per place are among the lowest of the comparator counties, and that the proposed contributions would still only place the county within the lower half of the range adopted by other county councils with similar economic and social characteristics.

Table 3: Full education contribution (including early years and SEN) sought per house compared with median house price of newly built houses

County	Education contribution payable per house (based on 100 houses)	Median house price (newly built houses)	Education contribution as % of median house price
N Yorks (current)	£6,037	£275,000	2.20
Cumbria	£5,041	£227,250	2.22
Staffordshire	£6,284	£263,000	2.39
Lincolnshire	£6,184	£212,995	2.90
N Yorks (proposed)	£8,169	£275,000	2.97
West Sussex	£11,106	£369,000	3.01
Warwickshire	£9,652	£320,000	3.02
Norfolk	£7,807	£257,995	3.03
Nottinghamshire	£7,479	£247,023	3.03
Gloucestershire	£9,363	£306,000	3.06
Leicestershire	£9,323	£295,000	3.16
Devon	£10,029	£280,000	3.58
Somerset	£10,481	£274,998	3.81
Suffolk	£10,811	£279,995	3.86
Worcestershire	£12,754	£314,950	4.05
Cambridgeshire	£18,837	£374,950	5.02
Mean average	£9,877	£290,779	3.35

Note on data: Median house price (newly built houses) - This is the unadjusted median house price for new build residential property sales (transactions) in the area for the 12 month period ending Quarter 3 of 2019. These figures have been produced by the Office for National Statistics using the Land Registry Price Paid data on residential dwelling transactions. The median is the value determined by putting all the house sales for a given year, area and type in order of price and then selecting the price of the house sale which falls in the middle. The median is less susceptible to distortion by the presence of extreme values than is the mean. It is the most appropriate average to use because it best takes account of the skewed distribution of house prices.

ANNEX 6

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Children and Young People's Service		
Service area	Education and Skills		
Proposal being screened	Developer contributions for education.		
Officer(s) carrying out screening	John Lee		
What are you proposing to do?	Produce a revised policy for developer contributions for education.		
Why are you proposing this? What are the desired outcomes?	<p>In the light of changes to legislation and updated government guidance the County Council has consulted on an updated policy for developer contributions for education.</p> <p>This includes proposals to request S106 contributions for education across the County; use DfE's preferred cost per place; lowering the thresholds for seeking primary and secondary education contributions; introducing contributions for Special Educational Needs and Disabilities (SEND) and Early Years for larger developments; recommending the use of model clauses in Section 106 agreements for education contributions and for new education sites.</p>		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	

ANNEX 6

Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristics			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	We have no evidence that the impact should be greater on areas where there are known inequalities/probable impacts.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	It is not anticipated that there will be a significant effect on how our partners operate. Partners have been consulted in the development of the policy.		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	No potential for discrimination or adverse impact has been identified.		
Signed (Assistant Director or equivalent)	Judith Kirk		
Date	29/4/20		

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FORWARD PLAN

The decisions likely to be taken by North Yorkshire County Council in the following 12 months are set out below:

Publication Date: 28 May 2020

Last updated: 28 May 2020

Period covered by Plan: up to 31 May 2021

All public Committee meetings of the Council where the public can attend have been suspended. Following on from the Prime Minister's announcement on 23 March 2020 about fundamental restrictions on public travel and movement, the Leader of the Council, Cllr Carl Les, has stopped all public, committee meetings of the Council for the foreseeable future. The council business will continue but in a different way. Emergency powers have been invoked that enable the Chief Executive, Richard Flinton, to make decisions that would previously have been made by the Council's committees. We will keep the position under review as the Government consider drafting legislation and regulations to allow for virtual meetings and we will consider how best to engage with the public to ensure that good governance, transparency and public engagement is maintained during this time.

PLEASE NOTE:-

In accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012, at least **28 clear days' notice**, excluding the day of notification and the day of decision taking, must be published on the Forward Plan of any intended key decision. It is also a requirement that **28 clear days' notice** is published of the intention to hold a Executive meeting or any part of it in private for the consideration of confidential or exempt information. For further information and advice please contact the Democratic Services and Scrutiny Manager on 01609 533531.

FUTURE DECISIONS

Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
THE EXECUTIVE								
Standing Item	Executive	TRO's	Yes in most instances	Introduction of Traffic Regulation Orders	Executive Members, local Members, public	Statutory consultation	In writing to the Corporate Director Business and Environmental Services	
Standing Item	Executive	Area Constituency Committee Feedback		As required, but usually for noting	N/A	N/A	N/A	N/A
Standing Item	Executive	Appointments to Outside Bodies and/or recommendations to Council re Committee appointments		Approval of appointments to Outside Bodies and/or making of recommendations to Council re Committee appointments	N/A	N/A	N/A	N/A
Standing Item	Executive	Potential purchase of land for investment purposes This item will contain exempt information.	Yes	Following the Executive decision of 15 August 2017 the Executive have agreed an investment strategy of purchasing land of up to £5m where it would provide a suitable return on investment. These opportunities have a quick turnaround time	Internal.	None.	Gary Fielding, Corporate Director - Strategic Resources	Once a relevant opportunity is identified the relevant reports will be drafted & circulated to the Executive.

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				therefore a standard item is included on the Forward Plan to give notice that such a decision may be requested by the Executive.				
TBC	Executive	To consider a proposal to formalise the relationship between NYCC and Brierley Homes Limited in relation to selling sites for development and to set out an initial list of sites that are to be considered. The final report may contain information of a commercially sensitive nature and so the whole or part of the report may need to be exempt.	Yes	Whether or not to enter into a promotion and option agreement with Brierley Homes Limited in relation to several sites owned by NYCC.	None	None		None

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TBC	Executive	Review of Extra Care provision The report will contain exempt information	Yes	Decision to agree to commence a consultation on extra care provision.	Employees and existing providers of Extra Care Provision	Online and face to face engagement and consultation	Michael Rudd Michael.rudd@northyorks.gov.uk	N/A
9 June 2020	Executive	Developer contributions for education	Yes	To approve the updated policy	Local planning authorities, developers, parish and town councils, public	Public Consultation from 19 February – 1 May 2020. Consultation document published on website and sent to key stakeholders	In writing to Corporate Director – Children and Young People's Service, County Hall, Northallerton DL7 8AE by 1 May 2020	Report to Executive Members for Education and Skills and Children's Services, 11 Feb 2020
9 June 2020	Executive	Clapham CE VC Primary School – Closure proposal.	Yes	Consider responses to statutory notices Determine whether to proceed with closure of Clapham CE Primary School	School community, wider community, other schools, Early Years providers, Diocese, Parish and District Councils, local MP, Councillors, unions and professional associations.	Consultation document issued on 10 January 2020. Statutory proposals and notices were published on 23rd April for a further 4 weeks	In writing to Corporate Director – Children and Young People's Service, County Hall, Northallerton DL7 8AE.	Report to Executive Members for Education and Skills 17 December 2019. Report to Executive 24 March 2020
9 June 2020	Executive	Decision to publish Statutory notices on	YES	To consider the responses to the consultation on the a)	Parents, Staff, Governors, Local Elected Members,	Statutory Notice will be published on NYCC website and in	In writing to the Corporate Director- Children	Report to Executive on 24 March

FUTURE DECISIONS

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		Removal, Alterations and Establishment of Special Education Need provisions in mainstream schools from 1st September 2020.		<p>the removal of 'Enhanced Mainstream' designation (a form of Special Education Provision) and b) the establishment of 'Targeted Provisions' (an alternative model of Special Educational Provision), both at a number of mainstreams schools across the County.</p> <p>To approve the publishing of statutory proposals and notices for the a) the removal of 'Enhanced Mainstream' designation (a form of Special Education Provision) and b) the establishment of 'Targeted Provisions' (an alternative model of Special Educational Provision), both at a number of mainstreams schools across the County.</p>	District and Parish Councils and other local stakeholders.	<p>the local newspaper. Physical notices will be affixed to gates at schools to which the proposals apply.</p> <p>The Statutory Proposal will be published in full online and physical copies can be sent to consultees who require one.</p> <p>The Statutory Notices and Proposals are projected to be published on 19 June and the 4 week representation period is therefore projected to end on the 17 July.</p>	and Young People's Service, County Hall, Northallerton, DL7 8AE by 17 July 2020.	which was determined on 31 March due to Covid 19

FUTURE DECISIONS

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9 June 2020	Executive	Children and Young People's Service, Schools Condition Capital Programme 2020/21 * the appendices to this report will contain information of the type defined in paragraph 3 of Part 1 of Schedule 12A Local Government Act 1972 (as amended).	Yes	To approve the detailed Schools Condition Capital Programme 2020/21	Schools Forum	Item at Schools Forum meeting on 21 May 2020	In writing to Andrew Dixon by email: Andrew.dixon@northyorks.gov.uk	Not applicable
30 June 2020	Executive (Performance Management)	Potential agreeing the 'asks' to submit to government for consideration of a Devolution Deal for North Yorkshire and York	Yes	To approve submitting a set of 'asks' to Government for their consideration in making an offer for a Devolution Deal for the geography of North Yorkshire and York	Relevant officers and Members. Neighbouring authorities. If a devolution deal is offered by government, appropriate consultation will	Statute determines any future public consultation at the appropriate time. This decision is to simply submit a set of asks for Government to consider. Government will then be asked to propose	Barry Khan, Assistant Chief Executive (Legal and Democratic Services) Tel: 01609 532173	

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					take place with the public in the future.	a potential Devolution Deal which will then be formally considered by the Executive and Council.		
30 June 2020	Executive (Performance Management) or if there are no objections to the statutory notices, the Executive Member for Education and Skills at his meeting with the Corporate Director – CYPS	Lowering the age range of Riccall Community Primary School to 2-11	Yes	Following the publication of statutory notices, to seek approval to lower the school age range of Riccall Community Primary School from 1 September 2020.	School community, wider community, other schools, Early Years providers,	In spring 2020 the Governing Body of Riccall CP School consulted the local community and other providers on their proposal. Statutory notices have been published between 30 April and 28 May 2020.	In writing to Corporate Director – Children and Young People's Service, County Hall, Northallerton DL7 8AE by 28 May 2020	Executive report of 21 April 2020
30 June 2020	Executive (Performance Monitoring)	Q4 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management 			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports

FUTURE DECISIONS

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		<ul style="list-style-type: none"> Prudential Indicators 						
30 June 2020	Executive (Performance Monitoring)	<p>Potential purchase of land within the Harrogate Borough Council area</p> <p>This item will contain exempt information.</p>	Yes	To approve the acquisition of a property and the terms of the deal.	Internal	Meetings and Review of Draft Report	<p>Ken Moody, Major Projects Manager</p> <p>Roger Fairholm, Asset & Workplace Manager, Property Service</p>	None
30 June 2020	Executive (Performance Monitoring)	Consideration of proposal to rescind an historic approved proposal for an inner relief road in Ripon City Centre between Blossomgate and Somerset Row	YES	To seek Executive approval to rescind the County Council's current approved preferred route	Harrogate Borough Council Ripon City Council Local Elected Members Executive Members	Letters & emails to key groups and meetings where appropriate	Via email to ltip@northyorks.gov.uk	None
June/July 2020	Executive	Annual Report of the Looked After Children Members Group	No	To approve the Annual Report of the Chair of the LAC Group	LAC Members Group	LAC group meeting on 24 January 2020	Via Cllr Annabel Wilkinson, Chair of LAC Members Group & Principal Scrutiny Officer – Ray Busby	Young Peoples Overview and Scrutiny Committee meeting 26 June 2020

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14 July 2020	Executive No items identified yet							
28 July 2020	Executive	Consideration of proposed amendments to the Council's Constitution for recommendation to full Council.	YES	Subject to any comments Members may have, to recommend the proposed amendments to the Constitution to full Council for approval.	Relevant NYCC Officers and Members The Members' Working Group on the Constitution	Correspondence and meetings	Daniel Harry, Democratic Services Manager	
11 August 2020	Executive No items identified yet							
25 August 2020	Executive (Performance Monitoring)	Q1 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators 			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports
22 September 2020	Executive	A59 Kex Gill Diversion contract award	YES	To inform members of the outcome of the tendering process and seek approval to award	Not applicable	Not applicable	Email Kenneth.moody@northyorks.gov.uk	

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		Includes commercially sensitive information		the contract subject to full funding approval from DfT.				
13 October 2020	Executive	Young People's Accommodation Pathway	Yes	To consider options for the future commissioning of arrangements	District Councils	Officer engagement via working group	Mel Hutchinson by email: mel.hutchinson@northyorks.gov.uk	None
13 October 2020	Executive	Minerals and Waste Joint Plan approval for Adoption	YES	To make a recommendation to County Council regarding the adoption of the Minerals and Waste Joint Plan	Extensive consultation has taken place during preparation of the Plan. Representations will be sought on Main Modifications to Minerals and Waste Joint Plan (date of commencement TBC) and will subsequently be provided to the Planning Inspector for confirmation as to whether the Joint Plan may proceed towards adoption	Direct notification, website and deposit of documents at designated locations.	By email to mwjointplan@northyorks.gov.uk	Minerals and Waste Joint Plan Submission version recommendation d to Full Council for submission on 31 January 2017

FUTURE DECISIONS

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24 November 2020	Executive (Performance Monitoring)	Q2 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators 			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports
8 December 2020	Executive	A new NYCC Plan for Economic Growth	YES	To approve the revised NYCC plan for Economic Growth	NYCC Directorates, BES Executive members, District Authorities / NPA's LEP	The consultation process will consist of internal workshops with NYCC members and colleagues and written / informal consultation with external partners	representations can be made by email to Mark Kibblewhite mark.kibblewhite@northyorks.gov.uk	Current Plan for economic Growth approved by Executive May 2017
12 January 2021	Executive No items identified yet							
26 January 2021	Executive	To enter into a Section 75 agreement for the commissioning of the Integrated Sexual Health Service	Yes	Approval to enter into a Section 75 partnership agreement with York Teaching Hospital NHS Foundation Trust.	York Teaching Hospital NHS Foundation Trust	Published via the Council's website	Emma Davis 01609 797154	Report taken to Executive on 3 September 2019 and 26 November 2019

FUTURE DECISIONS

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16 February 2021	Executive (Performance Monitoring)	Q3 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> • Revenue Plan • Capital Plan • Treasury Management • Prudential Indicators 			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports
9 March, 23 March and 20 April 2021	Executive No items identified yet							

Should you wish to make representation as to the matter being discussed in public please contact Daniel Harry
Email: (daniel.harry@northyorks.gov.uk) Tel: 01609 533531.

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE REPORT

9 June 2020

SCHOOLS CONDITION CAPITAL PROGRAMME – 2020/21

Report of the Corporate Director – Children and Young People’s Service

Annexes B & C of this report contain information of the type defined in paragraph 3 of Part 1 of Schedule 12A Local Government Act 1972 (as amended).

1.0 PURPOSE OF THE REPORT

1.1 To seek Executive approval for the Schools Condition Capital Programme for 2020/21

2.0 EXECUTIVE SUMMARY

2.1 In announcements made in April 2020 the DfE allocated Schools Condition funding totalling £9.783 m to North Yorkshire County Council for 2020/21.

2.2 This is a further single year allocation. A one-year programme for 2019/20 was approved by the Executive in June 2019 and is currently being delivered. It is monitored through the quarterly capital report.

2.3 Funding is provided separately for the provision of additional school places (through the Basic Need Grant). A £44m programme for 2018 - 21 was approved by the Executive in July 2018 and is currently being delivered. The current programme will be reviewed later during 2020 following a recent funding announcement.

2.4 The amount of funding allocated to the LA to meet the condition needs of maintained school buildings will continue to reduce as schools convert to academy status.

2.5 This report proposes a one-year programme of investments to address the condition and suitability needs of school buildings in 2020/21.

2.6 A draft of this report (excluding the private appendices) was presented to the Schools Forum on 21 May 2020.

3.0 GOVERNMENT ANNOUNCEMENTS

3.1 The Schools Condition Grant allocation for 2020/21 was announced on 15 April 2020.

3.2 The Schools Condition Grant is part of the Single Capital Pot and may be used for all local priorities, although they are intended specifically for investment in schools (and notionally for Children’s Centres). Schools Condition funding does not have to be used strictly for maintenance; it is the only capital funding stream available to support other capital improvement works e.g. compliance, suitability, invest to save projects or investment required to address strategic service priorities.

3.3 Academies receive their funding for condition related investment and devolved capital direct from the Education and Skills Funding Agency (ESFA) so are not included in these figures.

The amount deducted from Schools Condition Grant for 2020/21 is based on open academies at the beginning of November 2019 and those expected to open on or before 31 March 2020. This means that no projects have been included in the proposed 2020/21 programme for any schools which were expected to convert by 31 March 2020 (including those where conversion has been delayed). It is proposed that where projects have been included in the programme but schools later become an academy, a judgement will be made about whether the scheme should proceed or not. This will take account of the nature and value of the project, the stage of design development reached and the extent to which the project will extend beyond the date of conversion. This reflects the policy that schools convert to academy status in their existing condition.

- 3.4 Academies can bid for capital funding to the Academies Condition Improvement Fund (CIF). The window for CIF applications for 2020/21 closed in December 2019 and the next bidding round will be later in 2020 for 2021/22. School buildings will continue to be maintained safely for as long as they remain maintained by the local authority. If essential work is needed in Summer 2020 then this will continue to completion.
- 3.5 The allocation is once again 100% grant funded (no borrowing approvals or PFI). There is no time-limit on expenditure so can be carried forward if unspent at the end of the financial year without risk of claw back. The following tables compare the allocations over the past three years:

Capital Funding Allocation – LA Schools (Community, Voluntary Controlled & Foundation)

	2018/19	2019/20	2020/21
LA School Condition Allocation	£11,588,948	£10,151,416	£9,783,429
Devolved Formula Capital (LA Schools)	£ 4,009,335 (inc £2.4 m one-off additional allocation)	£1,489,666	£1,404,029

- 3.6 There is no indication at this stage of capital funding for condition beyond 2020/21. It is difficult to estimate the scale and speed of academy conversions and therefore the potential level of reduction year on year. Recent conversions have been placed on hold due to the Covid-19 situation but are expected to resume in due course.

IMPACT OF EDUCATION REFORM

- 3.7 In March 2016 a White Paper entitled 'Educational Excellence Everywhere' was published indicating the intention that all schools should become academies by 2020 or have a plan that would see them convert no later than 2022.
- 3.8 The White Paper signalled the creation of a new duty on local authorities to facilitate conversion, with existing duties on asset management to continue until such point as all schools have converted.
- 3.9 Subsequent announcements by the Secretary of State rowed back from the element of compulsion for all schools but schools continue to convert. Increasingly this is in the form of Multi Academy Trusts where a number may convert at a similar time. As schools convert the local authority's Schools Condition allocation will continue to reduce. This will continue to have an impact on flexibility within the programme to address strategic investment needs.

4.0 CAPITAL PLAN 2019/20

- 4.1 The programme historically includes a small amount of general contingency which helps to address high tenders and to respond to emerging condition issues. The general

contingency in the 2019/20 programme has been used to address in year top ups and overspends for the 2019/20 programme and programmes in previous years. The remaining general contingency to roll forward from 2019/20 into 2020/21 stands at £90k. Carry forwards from individual programme budgets are shown in Annex A including £279k carried forward from the 2019/20 Capital Planned Maintenance Programme.

5.0 PRIORITIES FOR INVESTMENT

5.1 The Local Priority Statement which spells out the County Council's priorities for investment in schools was reviewed and approved by full council in February 2015 following consultation. A further review is scheduled for later in 2020 for completion before the 2021/22 Schools Capital Programme is set.

5.2 The key priorities contained within the statement are reflected in the proposed 2020/21 capital programme. They are:

- Providing new school places in areas of growth
- Supporting school improvement through collaboration between schools and the restructuring of educational provision
- Meeting key local service priorities or statutory service obligations
- Enabling savings or efficiencies to be made in the use of property
- Ensuring compliance with statutory and regulatory requirements
- Maintaining the condition of the school estate to ensure buildings continue to be safe, warm, weather-tight and fit for their purpose.

6.0 PROPOSED SCHOOLS CONDITION CAPITAL PROGRAMME 2020/21

7.1 Annex A provides a proposed Capital Programme for 2020/21. The following sections of the report provide the rationale for each element of the programme. Confidential Annex B indicates the proposed local priorities for investment in 2020/21. For reasons of commercial sensitivity individual project budgets are not published.

General Compliance issues

7.2 The County Council continues to help schools with issues emerging from Ofsted inspections around the health, safety and welfare of pupils, including boundary and internal security issues which may have a bearing on judgements around the safeguarding of children. Schools often have insufficient funding to address these issues themselves and look to the local authority for support. The costs of such adaptations can be significant. A number of such schemes were undertaken in programmes over the last three years. It is proposed that any further urgent schemes should be funded from compliance sums in-year if concerns arise.

7.3 It is proposed that £154.4 k of unallocated compliance funding from 2019/20 plus an additional allocation of £70k should form the £224.4k budget for compliance in 2020/21.

Capital Planned Maintenance

7.4 The total maintenance backlog in schools across the County continues to be significant despite the ongoing programme of planned capital work. It is therefore important that investment continues to be made in maintaining and preventing further deterioration in the fabric of school buildings.

7.5 The continued low value of annually allocated Devolved Formula Capital (DFC) impacts on the level of funding available from schools to contribute towards the Capital Planned Maintenance Programme which addresses structural issues such as roof and window

replacements, mechanical and electrical upgrades etc. There was a one-off additional DFC allocation announced in January 2019 which has benefited schools but no indication yet that this will be repeated in future years. With the previous agreement of the Schools Forum/Education Partnership projects are now only be included in the programme on the understanding that schools will contribute all of their available DFC in that financial year. In some cases this means that schools will be asked to fully fund maintenance projects that have been identified through condition surveys as a high priority rather than other projects they might have hoped to progress. On this basis an assumption has been made that £250 k will be contributed by schools to the Capital Planned Maintenance budget in 2020/21.

- 7.6 A Capital Planned Maintenance budget of £3.83m (including fees and contingency) is proposed for schools and Children's Centers in 2020/21.
- 7.7 The one-year programme has been developed taking account of the highest priority condition items, as identified through the annual condition survey and discussions with schools, with the remainder as a contingency for urgent unplanned work which emerges mid-year. Once again this year it will contain a smaller number of higher value projects than in previous years as there are some schools which still have growing maintenance backlogs requiring significant investment.
- 7.8 Priority compliance and emergency works that arise during the year will be met by either the General Compliance or contingency funding, this may include items such as priority legionella works, boiler replacements and fire alarm replacements. Work to increase electrical capacity which emerges as a significant additional cost will need to be accommodated within project costs or prioritised from contingencies if necessary.
- 7.9 Confidential Annex C (not for Publication) provides a list of the proposed schemes for inclusion in the 2020/21 Programme. Advance planning has been undertaken once again this year to ensure that this programme can be commissioned and delivered in a timely fashion although the Covid-19 situation may impact of some schemes which were due for delivery this summer.

Condition and Asbestos Surveys

- 7.10 In previous years the County Council paid an annual fee to Jacobs and later Mouchel for undertaking condition and asbestos surveys, in line with the contract. These surveys help to inform investment priorities and are not replaced by the national Property Data Survey/Condition Data Collection which looks at higher level condition in order to inform central government capital allocations. The costs of this work were uplifted annually in line with inflation.
- 7.11 This work was brought back in-house in 2016. It has been agreed that in 2020/21 CYPS will continue to be recharged on the basis of a proportionate contribution to internal costs for Building Surveyors in the Property Service undertaking the survey work. The financial provision in 2020/21 will be £300k which represents a £50k reduction on the previous year in recognition of Academy conversions.

Asbestos Management

- 7.12 A large number of the County Council's school buildings contain asbestos which is managed in situ. Following 2018 guidance on the management of asbestos in schools it was proposed to undertake some risk based assessment of asbestos to ensure school asbestos management plans are available. There is a remaining budget of £50k from 2019/20. It is proposed t this is carried forward to 2020/21 to allow any further investigations to continue.

Lath and Plaster Ceilings

- 7.13 Lath and Plaster ceilings are inspected and reviewed by Maintenance Surveyors as part of the annual condition data inspection, with condition being recorded on the survey. Further inspection and investigations are undertaken if condition causes concern. We continue to address failing ceilings from contingencies in the planned maintenance programme. This strategy has been agreed between the property Risk Manager and the Investments and Delivery Hard FM Maintenance Officers.

Accessibility Related Works

- 7.14 Schools Access Initiative funding was withdrawn in 2011/12. It is necessary to continue to make provision for some accessibility work in the programme to address the needs of individual children and for any significant access related work that emerges from other developments. In addition to a carry forward of £99.5k it is proposed to set aside an additional sum of £200k from the 2020/21 allocation for such projects.

Proposed Specialist Provision Capital Investment

- 7.15 Specialist provisions in North Yorkshire have come under intensive pressure in recent years and we have been aware for a significant period of time that our range of provisions - whilst around the shire county average - were stretched in terms of meeting all needs in all localities. Significant growth in the number of Education Health and Care Plans (EHCPs) have accentuated the pressure and led to the authority having to deploy a significant number of placements in the independent sector. Given that the cost differential between an average cost of place in the independent sector and the average cost of a place in a special school is typically £42,000 this places significant additional pressure on the High Needs budget.
- 7.16 It is particularly the pressure on our high needs budget that has led the authority to conduct a future proofing review of our specialist provision. It is considered that significant investment in both extending the range and remit of specialist and targeted provisions, and enhancing the suitability and quality of learning environment in our existing facilities, could both improve the learning outcomes and experience for a wider cohort of young people and reduce the dependency on out-of-county placements.
- 7.17 A report was presented to the Schools Forum on 12 March 2020 (shown at Annex D) which considered the challenge of securing the capital funding required to address some of our ambitions including:
- **Autism** – development of a new special school to meet the needs of high functioning pupils who cannot thrive within a mainstream environment but require curriculum stretch
 - **Social and Emotional Mental Health (SEMH)** – development of locality based provisions to meet the needs of secondary pupils and potentially upper Key Stage 2 pupils
 - **Targeted provisions** – roll-out of Phase 2 and Phase 3 of the targeted provisions programme
 - **Modernising special schools** – ensuring that our maintained special schools have the facilities and present in a way that makes them comparable to Independent Special schools
 - **Investment in PRS** – particularly addressing the condition / curricular facilities available for the Pupil Referral Service
- 7.18 Over the past decade the amount of investment through Schools Condition Grant on special schools has been minimal compared to that for mainstream Schools. Since 2010 the LA

has received c. £118m in SCG of which only c. 3.8m (3%) has been invested in planned maintenance or improvement projects at North Yorkshire special schools. Of that over £1m relates to a single project, that being the recent expansion at the Forest School through the 2018-19 Programme.

- 7.19 It was discussed with Schools Forum (via Appendix D) that it would be appropriate to establish a specific fund to support specialist provision investment. It is therefore now proposed that in 2020/21 a Specialist Provision Targeted Capital Programme (SPTCP) is created by virtue of commitments against the annual Schools Condition Capital Programme.
- 7.20 In addition to committing some of our annual School Condition Grant we are also discussing with the DfE whether there could be scope to identify funding streams that may be made available to expand / reorganise specialist provision i.e. in the hope of developing a joint funding approach.
- 7.21 It is proposed that SPTCP commitments within the School Condition Capital Programme would only be set against the funding allocated for investment in modernisation and suitability related schemes. The Programme element for planned maintenance would be unaffected by this proposal and would continue to be prioritised on condition basis across all schools. Only maintained school premises would benefit from SPTCP investment given that NYCC does not receive Schools Condition Grant for Academies.
- 7.22 It is proposed that moving forward the following governance principles should apply:
- Commitments for the SPTCP could be for individual projects, or for block sums to build up an SPTCP fund
 - SPTCP funded projects will only be undertaken on maintained school sites in North Yorkshire
 - Commitments to individual SPTCP projects would require Member approval/ratification either through the NYCC Executive through presentation of the annual School Condition Capital Programme, or through the quarterly capital monitoring arrangements should it be necessary to approve a project in mid-cycle
 - Schools Forum and CYPS Executive Members would receive bi-annual reports on the deployment of block sums (noting commercial sensitivity) and the overall position of the SPTCP and its associated fund
 - Total annual contributions to the SPTCP from Schools Condition Grant would not exceed £2m per year, or 40% of the Programme element for modernisation and suitability schemes
 - Schools Forum agreement would be required should the LA wish to allocate more than 40% in any single year
 - Should the LA be successful in securing significant external funds for SPTCP purposes then the whole SPTCP approach would be revisited with the Schools Forum and Executive prior to any further Schools Condition Grant commitments being made to the SPTCP
- 7.23 Annex A confirms that the proposed SPTCP allocation for 20/21 is £1.6m representing 28% of the overall £5.73m allocated for modernisation and suitability schemes. Further work is required to determine the first priority schemes for the initial SPTCP allocation so they are not noted in this report. The first call on the SPTCP funding is likely to be for further developments to complete the satellite provision of Mowbray School at Ripon, and proposals are currently being finalised.

Proposed Capital Investment – Strategic Priorities:

- 7.24 A number of strategic priorities are proposed as described in the following sections. The total value of these priority investments in mainstream schools is £3.388m. Further detail is included in Appendix B (not for publication). It will not be possible to include all of the projects which schools have asked the local authority to support. Remaining bids will be reconsidered in future years.

School Modernisation

- 7.25 It is proposed to undertake a further programme of strategic priorities to bring accommodation at a number of schools up to modern standards. The 20/21 programme will prioritise 14 projects. These projects match the key priorities described at 6.2 of this report. Most of the schemes identified for inclusion have had advance feasibility work undertaken in 19/20 to provide better cost certainty moving forward.

Replacement of Prefabricated Classroom Units

- 7.26 A review of the condition of Prefabricated /Portable Classroom Units has been undertaken again this year to determine whether there are any which are beyond economic repair or at risk of becoming unsafe. Where the school has no further use for them in the long term they are removed or demolished to reduce the school's maintenance liabilities. The local authority will continue to support this wherever possible.
- 7.27 Where new or replacement teaching accommodation is required this will be with permanent buildings wherever viable although in some cases it will be necessary to consider portable or modular solutions for cost or technical reasons. Portable solutions will also be provided where accommodation is genuinely temporary. These would be to a specification which is energy efficient, meets all current building regulations and provides a pleasant environment for teaching and learning. Schools are giving good feedback about the quality of more recent portable and modular teaching spaces. It is proposed to undertake feasibility studies for the replacement of a small number of temporary classrooms and carry forward funding will be retained for any schemes which are subsequently progressed.
- 7.28 Previous school modernisation programmes have included the replacement of HORSAs buildings. The condition of such buildings is monitored and buildings maintained but none are scheduled for replacement this year.

Development of Future Programme – Advanced Feasibility

- 7.29 It is proposed to make an additional provision of £149k in 2020/21 for advance feasibility work required as part of the early development of projects for the Capital Programme in 2021/22. It is hoped this will comprise of approximately 18 feasibility studies depending on their individual complexity. The purpose of this is to provide greater cost certainty moving forward, an approach which is increasingly proving to be successful. The advanced feasibilities will include some of the bids received from schools. If appropriate, following completion of feasibility work, capital allocations for a project(s) may be made against the general contingency or other uncommitted elements of the 20/21 Capital Programme. Should this be required, any additional commitments would be reported through the quarterly capital monitoring report.

Strategic Support for Capital Delivery

- 7.30 The Capital Programme and individual projects within it are commissioned and sponsored by CYPS Strategic Planning staff but following restructuring of the property function they are now delivered by staff working within the Corporate Property Service. It is proposed to continue funding one Band N post, now within the Capital Programme Team. This post provides support for the delivery of the CYPS Planned Maintenance Programme and other

parts of the CYPS Capital Programme. Monitoring arrangements will be in place by the Property Service to record the work undertaken in respect of individual schemes.

General Contingency

- 7.31 It is necessary to retain an element of client contingency within the programme to ensure that funding is available where unforeseen additional costs arise as schemes develop through feasibility and into detailed design and procurement. There is an element of contingency included within the proposed Capital Planned Maintenance Programme to meet unforeseen emergency work which emerges during the year relating to asbestos or other urgent and unplanned infrastructure requirements. The general contingency, will address any additional costs associated with 2019/20 schemes yet to be completed as well as those in the proposed 2020/21 programme. The value of the proposed contingency for 2020/21 is £850k which compares to £1.69m last year.

8.0 DELIVERY OF PROGRAMME

- 8.1 CYPS will commission the programme via the Property Service's Capital Programme Team in line with established corporate arrangements. The Property Service is responsible for directly delivering and/or procuring, via the North Yorkshire consultancy 'Align Property Partners', the required technical and professional advice and for procuring schemes from the County Council's framework contractors. Every effort will be made to ensure the programme can be commissioned and delivered in a timely fashion although the Covid-19 situation may impact on schemes and particularly those which are currently due for delivery this summer.

9.0 RECOMMENDATIONS

- 9.1 The Executive is recommended to:
- i. Approve the proposed Schools Capital Programme for 2020/21 as summarised in Annex A and including the allocation to the Specialist Provision Targeted Capital Programme.
 - ii. Approve the governance principles for the Specialist Provision Targeted Capital Programme as set out in paragraph 7.22
 - iii. Approve the list of strategic priority / modernisation schemes as set out in Confidential Annex B
 - iv. Approve the Planned Capital Maintenance Programme as set out in Confidential Annex C
 - v. Agree the continuation of the approach for dealing with any schools which convert to Academy status following the approval of the Programme as laid out in paragraph 3.3

Stuart Carlton
Corporate Director – Children and Young People's Service
COUNTY HALL, NORTHALLERTON
26 May 2020

Report Author – Andrew Dixon, Strategic Planning Manager

Appendix A – Schools Capital Programme 2020/21
Appendix B – Strategic priority / modernisation schemes

Appendix C – Planned Capital Maintenance Programme 2020/21
Appendix D – Report to Schools Forum 12 March 2020

Proposed Schools Condition Capital Programme 2020/21	
	Amount (£)
Potential Capital Funding Available:	
Capital Planned Maintenance Programme contingency 19/20 carry forward	279,500
General compliance/H&S 19/20 carry forward	154,400
Accessibility Schemes 19/20 carry forward	99,500
Asbestos inspections 19/20 carry forward	50,000
Prefabricated Classroom Replacement Programme 19/20 carry forward	646,500
Advanced Feasibility 19/20 carry forward	1,000
Estimated contribution from School's Devolved Formula Capital (DFC) in 20/21	250,000
General contingency 19/20 carry forward	90,100
Schools Condition Allocation 20/21	9,783,429
Total Potential Capital Funding Available	11,354,429
Capital Maintenance and Compliance/Regulatory Requirements:	
General Compliance and Health & Safety (b/f from 19/20 + £70k)	224,400
Capital Planned Maintenance Programme (b/f from 19/20 + £250k DFC contributions + £3,304,657)	3,834,157
Condition Survey & Asbestos Surveys – internal fee	300,000
Asbestos Inspections (b/f from 19/20)	50,000
Accessibility Schemes (b/f from 19/20 + £200 k)	299,500
Total Capital Maintenance and Compliance/Regulatory Requirements	4,708,057
Proposed Capital Investment – Strategic Priorities:	
Prefabricated Classroom Replacement Programme (c/f from 19/20)	646,500
Advanced Feasibility (c/f from 19/20 + £149k)	150,000
Modernisation/Suitability Schemes	3,388,000
Specialist Provision Targeted Capital Programme - <i>Total annual contributions to the SPTCP from SCG will not exceed £2m per year, or 40% of the Programme element for improvement schemes</i>	1,600,000
Total Proposed Capital Investment - Strategic Priorities	5,734,500
Strategic Support for Capital Projects (Band N post) – Investment and Delivery Team	61,000
Total Proposed Investment	10,503,557
General Contingency	850,872



**NORTH YORKSHIRE
SCHOOLS FORUM**

Date of meeting:	12 March 2020
Title of report:	Specialist Provision - Capital Investment
Type of report: Delete as required	For discussion only
Executive summary: Including reason for submission	To brief Forum on the need for investment in North Yorkshire Specialist Provision and the proposal to develop a Specialist Provision Targeted Capital Programme
Budget / Risk implications:	None
Recommendations:	To note the contents of the report
Voting requirements:	N/A
Appendices: To be attached	Appendix A – Glossary of Terms
Report originator and contact details:	Martin Surtees, Martin.surtees@northyorks.gov.uk Andrew Dixon, Andrew.Dixon@northyorks.gov.uk
Presenting officer: If not the originator	Martin Surtees and Andrew Dixon

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is:

- to brief Forum on the case for increased investment in the Special School estate and wider specialist provision in North Yorkshire;
- to explain the concept of a Specialist Provision Targeted Capital Programme and to explore how this may impact upon the School Condition Capital Programme from 2020/21 onwards.

Specialist Provision – Capital Investment

2.0 BACKGROUND

THE ISSUES AND THE AMBITION

- 2.1 Our specialist provisions have come under intensive pressure in recent years and we have been aware for a significant period of time that our range of provisions - whilst around the shire county average - were stretched in terms of meeting all needs in all localities (which is a particular challenge to an authority with such a sparsely distributed pupil population).
- 2.2 That pressure has been exacerbated by the significant growth in EHCPs from 2014 onwards – increasing from 1,737 plans in December 2014 to 3,057 plans in December 2019.
- 2.3 Both the growth in numbers of EHCPs, and the particularly rapid growth in the plans relating to ASD and SEMH, have accentuated the pressure and in turn have led to the authority having to deploy a significant number of placements in the independent sector. (*1)
- 2.4 Given that the cost differential between an average cost of place in the independent sector and the average cost of a place in a special school is typically £42,000 this places significant additional pressure on the High Needs budget. (*2)
- 2.5 In terms of modernising and extending our range of specialist provisions, we have tried to help ourselves, both in terms of extending our existing capacity and setting the aspiration for more robust pathways in the SEN strategic plan.
- 2.6 For example, we have extended the numbers of places at Forest Special school through the deployment of School Condition Grant and deployed Special Provision Capital Fund (SPCF) to develop additional provision and capacity at Mowbray Special School (*3).
- 2.7 To further “help ourselves” to modernise and update the portfolio of specialist provisions, we have also engaged with the free school process and been successful in securing the Free school in the Selby area as part of Wave 13.
- 2.8 Nevertheless we consider that:
- a number of our existing special schools are at the position in terms of the space on their sites that further expansion would be either unfeasible or prohibitively expensive (*4)
 - their specialisms / designation are not in the areas where we are experiencing most acute pressure
 - their geographical location does not always support pupils being supported close to their local communities
- 2.9 In addition to the desired investment in Special School provision we also, as a result of the SEND Strategic Plan, have committed to provide more robust pathways through the

Specialist Provision – Capital Investment

development of targeted provisions. These 31 provisions will be invaluable in supporting pupils who with some additional specialist support can continue to access mainstream provision.

- 2.10 We have therefore taken stock due to a combination of:
- increased pressure for independent sector placements and the very real challenges of quickly identifying appropriate provision to support all young people, and
 - the increasing pressure on the high needs budget.

- 2.11 It is particularly the pressure on our high needs budget that has led the authority to conduct a future proofing review of our specialist provision. The hypothesis for that review is that:-

Significant investment in both extending the range and remit of specialist and targeted provisions, and enhancing the suitability and quality of learning environment in our existing facilities, could both improve the learning outcomes and experience for a wider cohort of young people and reduce the dependency on out-of-county placements.

- 2.12 Within that headline hypothesis, there are some implicit assumptions of :-

- putting the child's/ young person's needs at the centre of placement decisions
- striving to achieve placements which meet the child's/ young person's needs and as far as possible do so in the local community
- recognising that our range of specialist provisions can never fully meet the needs of all children and young people

- 2.13 Also at the heart of the hypothesis is reducing the dependency on independent sector placements. Given the trends in those placements and the pressure points, it is inevitable that part of our focus is on the specialist provisions for pupils with Autism and SEMH.

- 2.14 Our initial analysis has concluded that there are significant gaps in provision, and that our ambition would be to deliver a Specialist Provision Target Capital Programme (SPTCP) which potentially includes the following elements :- (*4)

- Autism** – development of a new special school to meet the needs of high functioning pupils who cannot thrive within a mainstream environment but require curriculum stretch
- SEMH** – development of locality based provisions to meet the needs of secondary pupils and potentially upper Key Stage 2 pupils
- Targeted provisions** – roll-out of Phase 2 and Phase 3 of the targeted provisions programme
- Modernising special schools** – ensuring that our maintained special schools have the facilities and present in a way that makes them comparable to Independent Special schools (*5)
- Investment in PLP /PRS** – particularly addressing the condition / curricular facilities available in PRS, and ensuring that the PLP hubs have sufficient capacity and appropriate facilities to meet the more complex needs and increasing numbers of Post-19 learners

Specialist Provision – Capital Investment

THE CAPITAL CHALLENGE

- 2.15 The scale of capital investment necessary to deliver such a programme as set out at section 2.6 above would be of the order of £10s of millions. It must be emphasised that at this juncture we do not have a definitive capital resource to meet those requirements.
- 2.16 The **potential** available capital resources to support this future proofing programme comprise:-
- local authority schools capital – in the form of the School Condition Grant made available to meet the needs of all maintained schools in the local authority
 - SPCF – this resource has been fully allocated – and we are not anticipating further rounds, although it could be a vehicle for the DfE to enhance specialist provision capacity
 - other DfE funding streams – currently the only other vehicle available within the maintained sector is the Free School programme, although our strategic planning capacity is inhibited by the uncertainty over the timing of future waves and the designation of projects for each wave
 - local authority capital resources / reserves (*6)
 - schools own devolved resources
- 2.17 The uncertainty over the scale of the programme is partly because we are discussing with the DfE whether there could be scope to identify funding streams that could be made available to expand / reorganise specialist provision, and in ways that might work more advantageously than the current configuration of the free school programmes. An outline business case is being developed that will enable the authority to reach judgements about the scale of likely capital investment and funding routes.
- 2.18 Forum Members will be familiar with School Condition Grant (SCG). It is allocated annually to the Local Authority for investment in the condition of our maintained school stock. Forum see the nature of the Schools Condition Capital Programme (although not the amounts committed to individual projects due to commercial sensitivity) each year prior to Member approval. Typically the amount received is broadly split 50/50 between planned capital maintenance projects and improvement schemes related to condition/suitability. This approach has been consistent for several years and we intend to maintain the same broad principle moving forward.
- 2.19 The amounts we receive reduce each year in line with academy conversions:

2017/18	£11,940,118
2018/19	£11,588,948
2019/20	£10,151,416

- 2.20 Over the past decade the amount of investment through SCG on special schools has been minimal compared to that for mainstream schools. Since 2010 the LA has received c. £118m in SCG of which only c. £3.8m (3%) has been invested in planned maintenance or improvement projects at North Yorkshire special schools. Of that over £1m relates to a single project, that being the recent expansion at the Forest School through the 2018-19 Programme.

Specialist Provision – Capital Investment

- 2.21 School Condition Grant is the only external capital resource that the LA can have some certainty about, although the specific amounts are never known until the annual funding announcement. It is therefore proposed that a fund is built up for investment in the SPTCP outlined above at section 2.6 by virtue of commitments against the annual Schools Condition Capital Programme. To emphasise, it is our strong contention that without constructing such a programme it is likely that we will continue to face exponential growth in independent sector placements.
- 2.22 It is proposed that commitments within the School Condition Capital Programme would only be set against the funding allocated for investment in suitability and condition related schemes. This element of the Programme for 2019/20 totalled £5.52m. The Programme element for planned maintenance would be unaffected by this proposal and would continue to be prioritised on condition basis across all schools.
- 2.23 It is suggested that moving forward the following principles would apply:
- Commitments for the SPTCP could be for individual projects, or for block sums to build up an SPTCP fund
 - Commitments to individual SPTCP projects would require Member approval/ratification either through the NYCC Executive through presentation of the annual School Condition Capital Programme , or through the quarterly capital monitoring arrangements should it be necessary to approve a project in mid-cycle
 - Schools Forum would receive bi-annual reports on the deployment of block sums (noting commercial sensitivity) and the overall position of the SPTCP and its associated fund
 - Total annual contributions to the SPTCP from SCG would not exceed £2m per year, or 40% of the Programme element for improvement schemes
 - Schools Forum agreement would be required should the LA wish to allocate more than 40% in any single year
 - Should the LA be successful in securing significant external funds for SPTCP purposes then the approach set out in this report would be revisited with the Schools Forum prior to any further SCG commitments being made to the SPTCP
- 2.24 Starting in 2020/21 an amount could be earmarked over a 5 year period to begin to address the ambitions and priorities of the Specialist Provision Targeted Capital Programme. However, clearly this would be a long way short of being sufficient to address all of the identified needs within North Yorkshire. The LA will continue to develop and actively discuss our business case for investment routes with the DfE in the coming months.
- 2.25 The anticipated timetable, subject to funding announcements, is that the proposed 2020/21 School Condition Capital programme will be presented to Schools Forum on 21 May 2020. As usual practice this will be for information only. The Programme will then proceed to NYCC Executive for approval on 9 June 2020.

Specialist Provision – Capital Investment**3.0 RECOMMENDATIONS**

- 3.1 Schools Forum will note the proposed approach towards developing a Specialist Provision Targeted Capital Programme using School Condition Grant and provide feedback on the suggested principles set out at 2.15.

STUART CARLTON

Corporate Director – Children and Young People's Service

APPENDIX A - Glossary of terms

School Condition Grant (SCG) – the amount allocated to NYCC by Central Government on an annual basis to address condition issues in maintained schools

School Condition Capital Programme – the annual programme containing commitments to both maintenance and improvement projects using SCG and any other funding stream available to the LA at the point in time

Specialist Provision Targeted Capital Programme (SPTCP) – is proposed to tackle the gaps in specialist provision in North Yorkshire and the ambitions of the SEND Strategic Plan. It would form a part of the overall School Condition Capital Programme, but be considered as a discreet programme and fund.

Specialist Provision Capital Funding (SPCF) – short term funding provided to LAs by Central Government which has now ceased.

Notes

(*1) Whilst our planned expenditure on Independent sector placements has risen dramatically over the past five years (from £1.39 million in 2014-15 to a latest estimate of £6.93 million for 2019-20), we still consider that the number of placements and associated costs are not out of line with other local authorities.

(*2) There is a wide range of cost of placements within the independent sector (ranging from circa £35k per annum upto £90k per annum) – and whilst some placement pressure is considered to emanate from the limited range of in-house specialist provisions, it is acknowledged that there will always be a small cohort of pupils whose needs are sufficiently complex and specialist that an independent sector placement will be the most appropriate solution to meeting their needs.

(*3) facilitating an additional 40 places at Mowbray School and an additional 25 places at the Forest School

(*4) this summary of a potential programme will be tested further through the development of a full outline business case – by June. Schools Forum and in particular the High Needs Sub Group will be involved in discussions regarding the content of the final programme. The outline business case

Specialist Provision – Capital Investment

will also assess delivery timescales, programming of the various projects and the investment priorities for differing levels of capital resource availability.

(*5) our ambition would extend to also include academies, but the available funding to address the condition of academy special schools sits within the Condition Improvement Fund.

(*6) the mandate of the local authority to deploy capital reserves to meet schools capital requirements is being tested in the light of the announcements on ringfencing of DSG related expenditure.