

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

26 January 2021

PROPOSAL TO CEASE TO MAINTAIN KELL BANK 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 This report details the outcome of the public consultation carried out by the Children and Young People’s Service on a proposal to close Kell Bank CE VA Primary School. The Executive is asked to consider the responses to the consultation, to authorise the publication of statutory proposals, and to schedule taking a final decision on the proposal on 23 March 2021.

2.0 EXECUTIVE SUMMARY

2.1 On 20 October 2020 Executive Members for Children and Young People’s Service gave approval for consultation on a proposal to close Kell Bank CE VC Primary School with effect from 31 August 2021.

2.2 The proposal published for consultation was that the local authority would cease maintaining the school and that, in the event of closure, the catchment area of Masham CE VA Primary School would be extended to become the normal school to serve the area currently served by Kell Bank CE VC Primary School.

2.3 The consultation commenced on 2 November 2020 and was extended from the original closing date of the 14 December 2020 by a further week to 21 December 2020. This extension was agreed following the first of two public meetings held on 17 November 2020, and reflected the views of some stakeholders that they had not been given sufficient notice of the first meeting. This report details the responses to the consultation and asks the Executive to consider authorising the publication of a full proposal and statutory notices, and to schedule taking a final decision on the proposal on 23 March 2021.

2.4 The report is supported by a number of Appendices as listed below:

- Appendix 1: Full draft statutory proposals and draft statutory notice
- Appendix 2: Published consultation document
- Appendix 3: List of consultees
- Appendix 4: Notes of the public consultation meetings
- Appendix 5: Responses to the consultation document
- Appendix 6: Equality Impact Assessment

3.0 CONSULTATION UNDERTAKEN

- 3.1 A consultation document (Appendix 2) was distributed to the list of consultees (Appendix 3). The document was also published on the websites of both Kell Bank CE VC Primary School and NYCC. The consultation period ran from 2 November 2020 to 14 December 2020, and was extended to 21 December 2020 following the first public meeting on 17 November.

Due to the national restrictions in place resulting from the Covid 19 pandemic, two public meetings were held online using Microsoft Teams on 17 November 2020 and 2 December 2020. The details of the first public meeting was publicised in the consultation document. A second public meeting was subsequently arranged to provide an additional opportunity for consultees to present their views. In addition to this, an offer was extended, through the consultation document and also through key stakeholders, that if any parties were unable to join the virtual meetings they should make themselves known via the school and alternative arrangements would be made for engagement. No requests of this kind were forthcoming.

A record of each of the meetings is attached at Appendix 4. The two meetings were attended by 32 people in total, including officers of the Local Authority, the Headteacher, governors, local councilors and a Union representative. Some stakeholders attended both meetings.

By the closing date of 21 December 2020, 12 written consultation responses had been received and these are shown in full in Appendix 5. Out of the 12 responses, 4 agreed with the closure proposal, 5 disagreed with the closure proposal and 3 respondents did not answer this specific question.

Of the 12 written consultation responses, 9 agreed that in the event of the closure of Kell Bank CE VC School, Masham CE VA School should become the local School serving the area currently served by Kell Bank CE VC School. The remaining 3 respondents did not answer this question.

- 3.2 In addition to the 12 written responses, during the consultation meetings further questions were raised by those present.

The issues raised included:

- Low pupil numbers at the school and future sustainability
- The impact on the local community of the potential loss of the school, potential further uses of the building as a continuing education facility, ownership and sale of the school building,
- The large proportion of pupils attending Masham School that are 'out of catchment'.
- The impact of additional housing in Masham and potential Section 106 education contributions.
- Amalgamating Kell Bank School and split site proposals

- Cost of local houses can be prohibitive to young families staying and moving into the area.
- Proposed new catchment area and admissions criteria
- Issue of transport to other alternative schools listed in the consultation document in bad weather.
- Issue of using technology to access the virtual meetings that had not been widely published. Identify need to communicate consultation through the Masham Community Office.

3.3 The following section of the report addresses the main issues raised in the written responses to the consultation and at the consultation meeting.

Low pupil numbers at the school and future sustainability

3.4 Concern was expressed in both the public meetings and consultation responses of the economics of keeping the school open for 6 pupils and its future sustainability. The quality and breadth of the curriculum experience for the pupils at a school with such low numbers was reflected as a concern.

Impact on the local community

3.5 As Kell Bank CE is designated as a rural school, it is important to take into consideration the impact on the community of any school closure.

3.6 It is acknowledged that there is inevitably sadness when a school which has been part of the local community for many years is proposed for closure. Kell Bank is currently celebrating 200 years of providing education. In some communities, the school provides the only community space. In this case, there is a Village Hall, a local Church and the Black Swan Inn, all nearby.

3.7 At the public meetings attendees suggested that the building could be used as a continuing education facility such as e.g. a pre-school, a Forest School, or an Outward Bound Centre or mothballed until needed as an overflow by Masham CE VA. Any proposal would, however, require funding to set up and operate.

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

3.9 The playing field is owned by North Yorkshire County Council. Decisions about disposal of the school playing field will be taken after the closure proposal has been determined.

The large proportion of pupils attending Masham CE School that are out of catchment.

3.10 Masham CE School has a capacity of 116 pupils and a total pupil roll of 121 in September 2020. The school is operating around capacity but this is due in part to attendance by pupils who reside in other areas. At the October 2019 census,

the total roll was 114 pupils of which 43 (37%) came from outside of the school's catchment area. At the same time there were 85 primary aged pupils living in the catchment area of Masham School and 11 primary aged children living in the catchment area of Kell Bank School.

- 3.11 Masham CE Primary School has reached its published admission number in some year groups, although there is capacity in others. Where the Published Admission Number (PAN) had been exceeded in any one year group this may be because parents had gone to an independent appeals panel and their decision is binding to the school. Where a year group has not reached its (PAN) in a particular year group all applications will be accepted unless particular circumstances apply..

Impact of additional housing in Masham area and potential Section 106 education contributions arising from future developments

- 3.12 The LA is aware of the planning application for 60 houses in Masham Town. Overall, there might be some growth of around 80-100 houses in Masham Town and the LA monitors this through the Local Plan.
- 3.13 Masham School currently accommodates a significant number of pupils from out of its catchment area and, if the current proposals were to be approved, pupils from Kell Bank area would get priority for places at Masham school going forward. It would be a gradual change of the type of intake. As noted above, Masham CE VA School has 37% of pupils attending from out of catchment (based on the October 2019 school census) that would gradually be displaced over time.
- 3.14 Although Masham School appears full, it is not full with pupils from its own catchment area. The LA will carefully monitor any housing growth but do not see in the short/medium term that there will be a shortage of places from pupils from the Masham area.
- 3.15 In the public meetings the matter of using potential Section 106 education developer contributions to improve facilities at Masham CE VA School or to provide a new school site was raised. Whether a small development site could generate the availability of an alternative local school would be in the gift of the site promoter which would be over and above their normal responsibilities to mitigate the development.
- 3.16 There is unlikely to be any significant new housing in the settlements of Fearby and Healey served by Kell Bank CE VC Primary School as they are not Designated Service Villages within the Harrogate Local Plan.

Amalgamation and split site proposals

- 3.17 A number of stakeholders suggested the possibility of amalgamating Kell Bank CE with Masham CE and suggested that Reception and KS1 pupils be

taught at Kell Bank CE. It is unlikely, given that pupil numbers have subsequently fallen further, that amalgamation with Masham School is likely to be an attractive option for this school or any other school.

- 3.18 The practicalities of a split site arrangement is in the LA's experience only something that is progressed out of necessity and the LA does not see the necessity at this point. Working across a split site has its own challenges and is not universally popular but this model is followed successfully in some cases.

Cost of local houses can be prohibitive to young families staying and moving into the area

- 3.19 This concern is recognised as one of several factors that may prevent young families staying or moving in to the area.

Proposed Catchment area and Admissions Criteria

- 3.20 During the consultation period, responses were received relating to the proposal that in the event of closure the catchment area of Kell Bank CE VC Primary School would transfer and become part of an enlarged catchment area for Masham CE VA Primary school which is the nearest alternative school. Out of the 12 consultation responses, 9 agreed that Masham CE VA School in the event of closure of Kell Bank CE VC, should become the local School.
- 3.21 In looking to designate a school to serve the catchment area should Kell Bank CE VC School close, we would wish to consider geographical proximity, school capacities and standards, and existing links, including church parishes. The nearest local school to Kell Bank CE School is Masham CE VA School and this school shares a border with the Kell Bank School catchment area, Masham CE VA is currently judged 'good' by Ofsted.
- 3.22 It is therefore proposed, should Kell Bank CE VC Primary School close, to extend the catchment area of Masham CE VA Primary School with effect from 1 September 2021 to serve the area currently served by Kell Bank CE VC Primary School.
- 3.23 Concern was expressed by a local councilor on behalf of parents in relation to the priority given to admissions if the Masham CE VA School catchment is enlarged to include Fearby and Healey, whether pupils with siblings living out of the catchment area would get priority, or pupils living in the Fearby or Healey area? Masham is a CE VA School and has its own admissions policy but it was confirmed at one of the public meetings that the admissions policy at Masham CE VA gives priority to local children over and above siblings. The tie-break is the proximity to the school.

Issue of transport to other alternative schools listed in bad weather.

3.24 North Yorkshire County Council provides home to school transport across many rural routes similar to those in this area. The extent of home to school transport will depend on the choices of schools made by parents as that will have an impact on their eligibility for transport. The NYCC Home to School Transport Policy provides eligibility for travel to either the catchment school or nearest school to the home address providing the minimum distance requirements are met.

3.25 Issue of using technology to access the virtual meetings that had not been widely published

A physical public meeting was not possible due to the restrictions resulting from the Covid 19 pandemic. However, two public consultation meetings were held (17 November 2020 and 2 December 2020) online using Microsoft Teams. In addition to this, an offer was extended, through the consultation document and also through key stakeholders, that if any parties were unable to join the virtual meeting they should make themselves known via the school and alternative arrangements would be made for engagement. No requests of this kind were forthcoming.

Following the first public meeting on 17 November 2020, NYCC immediately confirmed a further virtual public meeting via Microsoft Teams would be held on 2 December 2020. The additional public meeting would be communicated as previously to all known stakeholders, which included; parents, staff and governors at the School, Councillors both County and District, National Teaching Union, all other local schools in the area and Early Years providers and additionally via the Masham Community Office as suggested in the public meeting and including Masham Town Council.

In addition, these stakeholders were notified that the closing date of the consultation was extended to 21 December 2020, a week later than the original closing date of 14 December 2020.

4.0 KEY ISSUES

4.1 The consultation document set out the key concerns. The latest position on these issues is summarised below:

4.2 Pupil Numbers

The number of children at Kell Bank CE VC Primary School has been falling over the past few years. There are currently 6 children on roll in the school. The school is designed to accommodate around 50 pupils. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further.

At the time of writing this report, there have been no highest preference applications received for entry to reception at Kell Bank CE VC Primary School

in September 2021. The deadline to apply for a reception place in September 2021 is 15 January 2021.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Reception	4	5	2	2	3	2	0
Year 1	4	4	5	2	2	3	2
Year 2	7	4	4	2	1	2	2
Year 3	4	5	3	4	2	0	0
Year 4	5	5	5	3	3	3	0
Year 5	6	5	5	5	3	3	0
Year 6	9	5	5	5	5	2	2
Total	39	33	29	23	19	15	6

4.3 Quality of Curriculum Experience

The School was last inspected by Ofsted in October 2013, when there were 45 pupils on roll. The overall effectiveness was judged to be 'Outstanding', as were all five contributory judgements. Under the current Ofsted Education Inspection Framework (introduced in September 2019), that level of judgement, given the significant weight on curriculum provision and the low level of pupil numbers at the school, would be difficult to maintain.

The small size of the school and the very small number of pupils in each year group will limit the range of personal and academic challenges for pupils including opportunities for child-initiated play and interaction in early years. This is particularly the case now with only 6 pupils in total at the school, comprising two pupils in each of three year groups: Year 1 (2 pupils), Year 2 (2 pupils) and Year 6 (2 pupils).

4.4 The Financial Position

Pupil numbers determine the school budget. The school has projected in-year deficits of £17.7k in the financial year 2020/21, £17.5k in 2021/22 and £30k in 2022/23, and cumulative deficits of £2k in 2020/21, £19.5k in 2021/22 and £49.5k in 2022/23. These were based on pupil number assumptions of 16 in 2020/21 and 13 in 2021/22, so the position will be significantly worse now that pupil numbers have fallen and there appears to be no reasonable prospect of recovery.

4.5 Conclusion

The responses to the consultation process have failed to identify a viable alternative option that would secure the school's future. Local Authority Officers have concluded that closure of the School would be in the best interests of the children at the school and the future education of pupils in the area. There are places available at other local schools within a reasonable travel distance. It is therefore the view that there is a strong case for closure which outweighs other considerations.

5.0 PROPOSAL

5.1 The proposal is to cease to maintain Kell Bank CE VC Primary School from 31 August 2021. The full statutory proposal is set out in Appendix 1.

5.2 The proposed timetable would be:

5 February 2021- 5 March 2021	Publication of Statutory Proposals (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
23 March 2021	Final decision by Executive
31 August 2021	Proposed closure date

6.0 FINANCIAL IMPLICATIONS

School revenue funding

6.1 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.

Transport costs

6.2 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 and the County Council's Home to School transport policy. Depending on the individual choices of schools by parents, there could be additional home to school transport costs of approximately £40 per day. Other transport costs may arise dependent on individual circumstances of individual pupils.

7.0 LEGAL IMPLICATIONS

7.1 The School Organisation regulations and guidance¹ cover the processes involved in school closures. Careful regard has been had to these provisions.

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

¹ School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education Opening and closing maintained schools, Statutory guidance for proposers and decision-makers (November 2019).

in the area'. Proposers must demonstrate that they have considered the following:

- Educational standards at the school and the effect on standards at other schools
- Alternatives to closure such as federation or academy status
- The availability and cost of transport to other schools
- Any potential increase to car use
- The impact on the community

These factors are considered in the draft statutory proposal, attached as Appendix 1a.

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 has been undertaken in respect of this proposal and is attached (Appendix 6).

10.0 NEXT STEPS

10.1 It is proposed to publish proposals and statutory notices on 5 February 2021 (Appendices 1a and 1b). 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 school. These would provide four weeks for representations to be made to the Local Authority, by 5 March 2021.

10.2 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 is taken by the Executive on 23 March 2021.

11.0 RECOMMENDATIONS

11.1 That statutory proposals and notices be published on 5 February 2021 proposing to cease to maintain Kell Bank CE VC Primary School with effect from 31 August 2021; and proposing that the catchment area of Masham CE VA school be expanded with effect from 1 September 2021 to serve the area currently served by Kell Bank CE VC Primary School.

11.2 That the Executive schedule taking a final decision on these proposals on 23 March 2021.

Stuart Carlton
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Report prepared by Sue Turley, Strategic Planning Team.

List of Appendices

- Appendix 1: Full draft statutory proposals and Draft Statutory Notice
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Background document

Report to CYPS Executive Members 20 October 2020

Statutory proposals for school closures

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

Contact details

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

Kell Bank Church of England Voluntary Controlled Primary School, Healey, Masham Ripon, HG4 4LH, from 31 August 2021.

Kell Bank Church of England Voluntary Controlled Primary School is a 4-11 Church of England Voluntary Controlled primary school in North Yorkshire.

Implementation

It is proposed to close the school from 31 August 2021.

Reason for closure

There are three key concerns: 1) Low pupil numbers, 2) Breadth of curriculum, 3) The schools financial position

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 Kell Bank CE VC Primary School has been falling over the past few years. At the beginning of September 2019, there were 15 pupils on roll in the school. This was well below the capacity of the school which could accommodate around 50 pupils. The Governing Body and Friends of the School have been active in their collective efforts to raise numbers at the school through many initiatives over recent years. However, since the start of this academic year there has been a further fall in numbers and in September 2020 the school had 6 pupils remaining on roll.

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

Breadth of Curriculum

This proposal is not being brought forward due to any concerns to this point about educational standards. However, the small size of the school and the very small number of pupils in each year group will limit the range of personal and academic

challenges for pupils including opportunities for child-initiated play and interaction in early years. This is particularly the case now with only 6 pupils in total at the school, comprising two pupils in each of three year groups: Year 1 (2 pupils), Year 2 (2 pupils) and Year 6 (2 pupils).

The Ofsted Education Inspection Framework, introduced in September 2019, places significant weight on curriculum provision. Delivering a curriculum that has ‘breadth and ambition’ is a particular challenge for a very small school. For example, the National Curriculum for PE states that “pupils should be taught to play competitive games (for example, cricket, football, hockey, netball, rounders)”. With a pupil count of 6 (ranging in age from 5 to 11) it is very difficult for the school to provide meaningful opportunities for competitive sport.

The Financial Position

Pupil numbers determine the school budget. There are currently 6 pupils on the school roll. With these low numbers, and a reduced budget, the school would have to reduce staff. The school has projected in-year deficits of £17.7k in the financial year 2020/21, £17.5k in 2021/22 and £30k in 2022/23, and cumulative deficits of £2k in 2020/21, £19.5k in 2021/22 and £49.5k in 2022/23. These were based on pupil number assumptions of 16 in 2020/21 and 13 in 2021/22, so the position will be significantly worse now that pupil numbers have fallen and there appears to be no reasonable prospect of recovery.

Pupil numbers and admissions

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

There are currently 6 pupils on roll at the school as of October 2020, all of which are pupils of compulsory school age. 5 of these 6 pupils are female, and 1 pupil is male.

	Pupil numbers	PAN
Reception	0	5
Year 1	2	5
Year 2	2	5
Year 3	0	5
Year 4	0	5
Year 5	0	5
Year 6	2	5
Totals	6	

The school’s age range is 4-11 years, and provision is available for boys and girls. There is no boarding provision. Information on special educational needs of pupils is

not provided as this would contravene the Data Protection Act. Total pupil numbers are significantly lower than the capacity of the school which is designed to accommodate around 50 pupils.

Displaced pupils

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

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

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

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

- a) No interim arrangements have been necessary

There are 7 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 Kell Bank CE VC School.

The nearest school to Kell Bank CE Primary School is Masham CE Primary School. Masham School has reached its published admission number in some year groups, although there is capacity in others. There is currently capacity in some year groups at Grewelthorpe CE, which is the next nearest school. All applications will be dealt with on an individual basis and the Admissions Team will have discussions with appropriate Headteacher to see if the school are in a position to admit additional pupils in that year group.

There are also places available at St Nicholas, West Tanfield CE, Thornton Watlass CE, Kirkby Malzeard CE, Snape CP, Fountains Earth Lofthouse CE. These schools were all judged 'Good' in their last Ofsted.

It is also proposed that the catchment area of Masham CE VA Primary School would, in the event of closure, be extended to include the current Kell Bank School catchment area. For any children currently at Kell Bank CE VC, North Yorkshire County Council would work with each family to try to meet their individual preferences for other schools.

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

or nearest school, parents are normally responsible for making transport arrangements.

- b) This is a mainstream primary, and therefore, not a school that is reserved for providing to pupils with special educational needs
- c) This is a mainstream school, and therefore, not a special school that is reserved for providing to pupils with special educational needs

Impact on the community

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

In some communities the school is the only meeting space. Fearby Village Hall at Fearby which has capacity for 100 is situated 0.3 miles from Kell Bank School. The Hall is a valuable resource for Fearby and its surrounding villages (Healey, Ilton, Ellingstring, Warthermarske) and hosts a wide variety of events and activities. It has a large modern well-equipped kitchen and free off road parking for around 40 vehicles.

St Paul's in the village of Healey, is the local church situated (0.2 miles from Kell Bank School). The children of the parish attend Sunday School on the 3rd Sunday of the month joining the morning service in time for communion. As well as regular services the parishioners of St Paul's are active in the local community; each year have a number of Coffee Mornings, a Domino Drive, Barbeque, Harvest Lunch, and Christmas Carols in the local pub 'The Black Swan at Fearby'.

There is no early years unit at Kell Bank CE VC School.

The Diocese have confirmed that the school site, other than the playing field, is vested in the Diocesan Board of Finance. The playing field is owned by the County Council. Decisions about the future use of the school site and buildings will be taken by the owners after the closure proposal has been determined.

There is unlikely to be any significant new housing in the settlements of Fearby and Healey as they are not Designated Service Villages within the Harrogate District Local Plan.

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.

Kell Bank CE VC 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 6 pupils on roll at the school three of which reside within the Kell Bank School catchment area.

There are 11 primary aged children who reside in the Kell Bank CE catchment area who attend a North Yorkshire maintained school (October 2019 Census, Department of Education).

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 approximately £40 per day, 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)

There are 7 primary schools within 7.9 miles of Kell Bank School by road:

- Masham CE VC
- Grewelthorpe CE
- St Nicolas, West Tanfield CE VC
- Thornton Watless CE VC
- Kirby Malzeard CE VC
- Snape Community
- Fountains Earth Lofthouse CE Endowed

Masham CE VA Primary School

- 2.8 miles from Kell Bank by road
- Rated Good by Ofsted in July 2019
- Net Capacity 116
- 121 pupils on roll
- Forecast 119 pupils + 17 from housing by 2025/26 (Outstanding permissions)

Grewelthorpe CE VC Primary School

- 5.8 miles from Kell Bank by road
- Rated Good by Ofsted in March 2017
- Net capacity 70
- pupils currently on roll 75
- Forecast 56 pupils + 1 from housing by 2025/26 (Outstanding permissions)

St Nicholas West Tanfield CE VC (Federated with Kirby Malzeard)

- 6.1 miles from Kell Bank by road
- Rated Good by Ofsted in March 2019
- Net capacity 70

- 36 pupils currently on roll
- Forecast 28 pupils + 12 from housing by 2025/26 (Outstanding permissions)

Thornton Watlass CE VC (Federated with Snape)

- 6.7 miles from Kell Bank by road
- Rated Good by Ofsted in November 2017
- Net capacity 51
- 27 pupils currently on roll
- Forecast 20 pupils + 1 from housing by 2025/26 (Outstanding permissions)

Kirby Malzeard CE VC (Federated with St Nicholas, West Tanfield)

- 7.2 miles from Kell Bank by road
- Rated Good by Ofsted in March 2018
- Net capacity 105
- 85 pupils currently on roll
- Forecast 79 pupils + 13 from housing by 2025/26 (Outstanding permissions)

Snape Community School

- 7.5 miles from Kell Bank by road
- Rated Good by Ofsted in May 2018
- Net capacity 52
- 24 pupils currently on roll
- Forecast 27 pupils + 1 from housing by 2025/26 (Outstanding permissions)

Fountains Earth Lofthouse CE Endowed

- 7.9 miles from Kell Bank by road
- Rated Good by Ofsted in April 2017
- Net capacity 42
- 16 pupils currently on roll
- Forecast 13 pupils + 2 from housing by 2025/26 (Outstanding permissions)

The view of the Local Authority is 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 given the small number of pupils who would be affected by the closure.

Any alternatives to the closure of the school

The Governing Body and officers from the County Council and Diocese have explored alternatives to the closure of the school. It is considered that there is no potential for the school to convert to academy status or to join a multi-academy trust because it

would not meet tests of due diligence due to its small size. The fundamental issues of low numbers, breadth of curriculum and financial sustainability remain.

The school has worked collaboratively with the Federation of Snape Community and Thornton Watlass CE Primary Schools since 2015. All three schools share the same Executive Headteacher, although Kell Bank has not formally federated with the other two schools and retains a separate governing body. The three schools maximise available opportunities to bring together pupils to share activities and learning opportunities.

To date, no other school has come forward that would be prepared to federate with Kell Bank 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.

Kell Bank 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, 2.8 miles from Kell Bank CE VC is Masham CE VA Primary School.
- There is also a Church of England school at Grewelthorpe CE VC Primary School which is 5.8 miles away.

The next nearest Church of England schools are at:

- St Nicholas West Tanfield, CE VC 6.1 miles from Kell Bank CE
- Thornton Watlass CE, VC, 6.7 miles from Kell Bank CE
- Kirkby Malzeard CE VC, 7.2 miles from Kell Bank CE, Fountains Earth Lofthouse CE Endowed, 7.9 miles from Kell Bank CE.

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 Kell Bank 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 the nearest school, parents are normally responsible for making transport arrangements.

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

North Yorkshire County Council's Home to School transport policy states that 'Transport will be arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school or 45 minutes to a primary school. Journey times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.' This is in line with statutory guidance from the Department for Education. The journey time for children living within the current Kell Bank CE VC Primary School catchment area would depend on which other school they attended and their home address. The nearest schools are:

Masham CE VA (2.8 miles from Kell Bank CE School, approximate travel time 7 minutes away, Grewelthorpe CE VC (5.8 miles away, approximate travel time 13 minutes away). Some year groups in both these schools have reached their published admission numbers, although there is capacity in other year groups.

St Nicholas West Tanfield CE, Thornton Watlass CE, Kirkby Malzeard CE, Snape CP, Fountains Earth Lofthouse CE are all 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, or by email to schoolorganisation@northyorks.gov.uk by 5 March 2021

Consultation

The decision to consult on closure was taken by the Executive Member for Schools on 20 October 2020 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 3. The consultation period ran from 2 November 2020 to 21 December 2020. Two virtual public meetings were held online on 17 November 2020 and 2 December 2020, notes of the meetings are attached as Appendix 4. There have been 12 consultation responses received (Appendix 5).

Appendices

- Appendix 1b: Statutory Notice**
- Appendix 2: Consultation Paper**
- Appendix 3: List of the Consultees**
- Appendix 4: Notes of the Public Meetings**
- Appendix 5: Consultation Responses**
- Appendix 6: Equality Impact Assessment**
- Appendix 7: Pupil Forecast**

NORTH YORKSHIRE COUNTY COUNCIL

**Proposal to Cease to Maintain a School
Kell Bank 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 Kell Bank Church of England (Voluntary Controlled) Primary School, Healey, Masham, North Yorkshire, HG4 4LH on 31 August 2021.

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, or by email to schoolorganisation@northyorks.gov.uk by 5pm on 5 March 2021.

Signed: B. Khan
Assistant Chief Executive
(Legal and Democratic Services)

Publication Date: 5 February 2021



Consultation Document

**Proposal to close Kell Bank Church of England
Voluntary Controlled Primary School
from 31 August 2021**

Kell Bank Church of England Voluntary Controlled Primary School

November 2020

This paper sets out background and details of a proposal to close Kell Bank CE VC Primary School, Healey, Masham, Ripon, North Yorkshire, HG4 4LH, with effect from 31 August 2021.

There will be a virtual public meeting on: Tuesday 17 November 2020 at 7pm and Wednesday 2 December at 7pm.

If you wish to be part of this virtual meeting could you please let us know by emailing schoolorganisation@northyorks.gov.uk and joining instructions will be provided

If you do not have the facilities to participate in a virtual meeting but would still like to engage directly in the consultation process then please could you liaise directly with Kell Bank CE VC Primary School, Healey, Masham, Ripon, North Yorkshire, HG4 4LH (Tel. 01765 689410).

The Current Position

Following discussions and working closely with the Church of England Diocese of Leeds, North Yorkshire County Council is consulting on a proposal to close the school.

The Local Authority has reflected on the school's position and agree with the conclusion reached by the Governing Body in September 2020 that the school is not viable as a result of a falling pupil roll.

The Local Authority and the Governing Body of Kell Bank Church of England Primary School have not reached this position lightly.

Background

Kell Bank is a Church of England Voluntary Controlled Primary school in the Masham area, serving the settlements of Fearby and Healey. The school has worked collaboratively with the Federation of Snape Community and Thornton Watlass CE Primary Schools since 2015. All three schools share the same Executive Headteacher, although Kell Bank has not formally federated with the other two schools and retains a separate governing body. The three schools maximise available opportunities to bring together pupils to share activities and learning opportunities.

The School was last inspected by Ofsted in October 2013, when there were 45 pupils on roll. The overall effectiveness was judged to be 'Outstanding', as were all five contributory judgements. Under the current Ofsted Education Inspection Framework (introduced in September 2019), that level of judgement, given the significant weight on curriculum provision and the low level of pupil numbers at the school, would be difficult to maintain.

Pupil Numbers

The number of children at Kell Bank CE VC Primary School has been falling over the past few years. At the beginning of September 2019, there were 15 pupils on roll in the school. This was well below the capacity of the school which could accommodate around 50 pupils. The Governing Body and Friends of the School have been active in their collective efforts to raise numbers at the school through many initiatives over recent years. However, since the start of this academic year there has been a further fall in numbers and in September 2020 the school had 6 pupils remaining on roll.

The October 2019 School Census recorded that the majority of primary aged pupils who lived in the school’s catchment area at that time were attending the school (8 pupils attended the school out of a total of 11 pupils who lived in the school’s catchment area). There is unlikely to be any significant new housing in the settlements of Fearby and Healey as they are not Designated Service Villages within the Harrogate District Local Plan.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Reception	4	5	2	2	3	2	0
Year 1	4	4	5	2	2	3	2
Year 2	7	4	4	2	1	2	2
Year 3	4	5	3	4	2	0	0
Year 4	5	5	5	3	3	3	0
Year 5	6	5	5	5	3	3	0
Year 6	9	5	5	5	5	2	2
Total	39	33	29	23	19	15	6

Forecasts indicate that pupil numbers will not recover in the longer term and may reduce still further.

The Financial Position

Pupil numbers determine the school budget. With these low numbers, and a reduced budget, the school would have to reduce staff. The school has projected in-year deficits of £17.7k in the financial year 2020/21, £17.5k in 2021/22 and £30k in 2022/23, and cumulative deficits of £2k in 2020/21, £19.5k in 2021/22 and £49.5k in 2022/23. These were based on pupil number assumptions of 16 in 2020/21 and 13 in 2021/22 so the position will be significantly worse now that pupil numbers have fallen and there appears to be no reasonable prospect of recovery.

The Proposal

For the reasons above it is proposed that Kell Bank CE VC Primary School should close with effect from 31 August 2021.

It is also proposed that the catchment area of Masham CE VA Primary School would, in the event of closure, be extended to include the current Kell Bank School catchment area.

Masham is the nearest alternative school to Kell Bank School. Masham School has

reached its published admission number in some year groups, although there is capacity in others. The School has a capacity of 116 pupils and a total pupil roll of 121 in September 2020. It is therefore operating around capacity but this is due in part to attendance by pupils who reside in other areas. At the October 2019 census the total roll was 114 pupils of which 43 (37%) came from outside of the school's catchment area. At the same time there were 85 primary aged pupils living in the catchment area of Masham School and 11 primary aged children living in the catchment area of Kell Bank School. The conclusion is that Masham CE Primary School would be the appropriate choice to adopt the existing Kell Bank catchment area as an addition to its existing area in the event of a closure.

The County Council would welcome views regarding this catchment area proposal as part of this consultation.

Other local schools

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

Other primary schools in the local area are:

Masham Church of England (Voluntary Aided) Primary School, 1 Millgate, Market Place, Masham, Ripon, North Yorkshire, HG4 4EG

Grewelthorpe Church of England (Voluntary Controlled) Primary School, Cross Hills, Grewelthorpe, Ripon, North Yorkshire, HG4 3BH

St Nicholas, Church of England (Voluntary Controlled) Primary School, West Tanfield, Ripon HG4 5JN

Thornton Watlass Church of England (Voluntary Controlled) Primary School, Thornton Watlass, Ripon, North Yorkshire, HG4 4AH

Kirkby Malzeard Church of England (Voluntary Controlled) Primary School, Church Street, Kirkby Malzeard, Ripon, North Yorkshire, HG4 3RT

Snape Community Primary School, Ings Lane, Snape, Bedale, North Yorkshire, DL8 2TF

Fountains Earth Lofthouse Church of England Endowed (Voluntary Controlled) Primary School, Fountains Earth, Lofthouse, Harrogate, North Yorkshire, HG3 5RZ

All these schools were judged 'Good' at their last Ofsted inspection.

Parents have a right to express a preference for any school. The Local Authority is the

admissions authority for community and voluntary controlled schools 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 decides the conditions for admission to their particular school. Some schools may be able to admit over their published admission numbers for some year groups.

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

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

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

Staff

A separate staff consultation process will run in parallel with the consultation on the closure proposal.

The Building

The Diocese have confirmed that the school site, other than the playing field, is vested in the Diocesan Board of Finance. The playing field is owned by the County Council. Decisions about the future use of the school site and buildings 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 complete and return the attached response sheet by post or submit an online response.

Paper responses should be returned to North Yorkshire County Council at the address below:

Online responses may be submitted by following this link: [Kell Bank response form](#)

The closing date for responses is 21 December 2020

All responses to the consultation received by this date will be considered by the County Council's Executive on 26 January 2021.

If the County Council's Executive decides to proceed with the closure proposal, then statutory notices would be published in the local press on 5 February 2021. 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 Committee on 23 March 2021. If agreed the school would close on 31 August 2021.

Key Dates

All dates subject to approval at each stage.

Consultation opens	2 November 2020
Virtual Public meeting	17 November 2020 at 7pm 2 December 2020 at 7pm
Consultation closes	21 December 2020
County Council's Executive considers consultation responses	26 January 2021
Statutory Notices published (4 weeks for representations to be made)	5 February 2021 to 5 March 2021
Final decision by County Council's Executive	23 March 2021
Proposed school closure date	31 August 2021

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

A copy of our Corporate Privacy Notice can be viewed here [NYCC Privacy Notices](#)

All personal information collected by North Yorkshire County Council will be anonymised when the consultation closes. Comments submitted will help to determine the outcome of this proposal.

Do you agree with the proposal to close Kell Bank Church of England Voluntary Controlled Primary School with effect from 31 August 2020? (Yes/No)

Do you agree that in the event of closure that Masham Church of England Voluntary Aided Primary School should be the school to serve the existing Kell Bank CE VC Primary School area (Yes/No)

Observations and/or suggestions:

Interest/Status

e.g. Parent/Governor/Teacher/Community

Name of School

This information is collected to confirm your proximity to the school

Name (Block Capitals)

Address:

.....

.....

Postcode:

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

Do you have any suggestions for improvement?

.....

.....

Under the provisions of the Freedom of Information Act 2000, responses to the consultation may be published on the County Council's website where it may be accessed by members of the public.

You may submit your response via the link below or alternatively send this response sheet to the following "FREEPOST" address. You do not need to use a postage stamp.

FREEPOST RTKE-RKAY-CUJS

Kell Bank

Strategic Planning

North Yorkshire County Council

County Hall NORTHALLERTON

DL7 8AE

Or click on the following link: [Kell Bank response form](#)

To be received by no later than 21 December 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: [NYCC Privacy Notices](#)

Kell Bank CE Primary School – List of Consultees

Kell Bank CE	Parents
	Staff and governors
	Chair of Governors
Local Primary Schools:	Masham CE
	Grewelthorpe CE
	St Nicholas West Tanfield CE VC
	Thornton Watlass CE
	Kirkby Malzeard CE
	Snape Community
	Fountains Earth Lofthouse
Middleham CE VA	
Unions and Professional Associations:	NAHT
	NASUWT
	NEU (formerly NUT & ATL)
	VOICE
	NUT
	UNISON
Diocese	Diocese of Leeds
Neighbouring Local Authority:	
Local County Councillor:	Margaret Atkinson
Harrogate Borough Councillor:	Nigel Simms
Local Parish/Town council	Fearby, Healy, Colsterdale, Ellingstring & Ilton-cum-Pott
	Masham, Burton on Yore, Ellington High, and Low and Swinton with Wathermarske
Masham Community Office	
Local MP	Julian Smith
RSC	
Secretary of State:	
Early Years Providers within 5 miles	

Record of Public Meeting concerning proposed closure of Kell Bank CE VC Primary School

First Public Meeting held on 17 November 2020 at 7pm using Microsoft Teams (due to Covid 19 restrictions in place at the time of the meeting)

Present: County Cllr Patrick Mulligan (Executive Member for Education and Skills, NYCC), Andrew Dixon (Strategic Planning Manager, NYCC), Canon Richard Noake (Director of Education, CoE Diocese Leeds, Jane Wood (Executive Headteacher, Kell Bank CE VC School), Jeff Loveday, (Chair of Governors, Kell Bank CE VC School), Matt George (Strategic Planning Officer, NYCC) and Sue Turley (Strategic Planning Officer, NYCC).

Five school governors, Chair of Fearby Healey and District Parish Council and three members of the public.

Apologies: None noted

16 people were present at the meeting via Microsoft Teams.

AGENDA

Meeting opens – brief welcome	Jeff Loveday – Chair of Governing Board
Executive Members Opening Remarks <ul style="list-style-type: none"> • Introduction to the Panel • Short statement about background 	County Cllr Patrick Mulligan
Presentation <ul style="list-style-type: none"> • The proposal • Background to the proposal • Pupil numbers • Finances • Local Schools • Local Housing • Catchment area • How can people comment 	Andrew Dixon – Strategic Planning Manager NYCC
Question and Answer Session	County Cllr Patrick Mulligan
Meeting Close	County Cllr Patrick Mulligan

1. Welcome

Chair of Governors Kell Bank CoE VC School opening remarks

Jeff Loveday, Chair of Governors, Kell Bank CE VC School welcomed everyone to the meeting and introduced Jane Wood, Executive Headteacher of Kell Bank CoE VC Primary School and County Councillor Patrick Mulligan.

Jeff Loveday said the public meeting tonight was to discuss the consultation on the proposed closure of the school which followed a request from the School's Board of

Governors in September 2020. It is important we hear what everyone has to say as part of the public consultation tonight.

Executive Member opening remarks

County Councillor Patrick Mulligan introduced the rest of the panel, including Richard Noake representing the Diocese of Leeds. The meeting was supported by three LA Officers; Andrew Dixon, Strategic Planning Manager, Matt George and Sue Turley, Strategic Planning Officers.

2. Presentation

Andrew Dixon, Strategic Planning Manager at NYCC said the meeting would be recorded to aid the note taking and support the decision making process. The recording would be deleted once the written record was finalised.

Andrew provided a presentation which covered:

- The proposal
- Background to the proposal
- Pupil numbers
- Finances
- Local Schools
- Local Housing
- Catchment area
- Diocese statement from Canon Richard Noake
- How can people comment

Richard Noake said he was representing the Diocese and thanked the governing body for all the work they had done to support the school and at looking at the different options for the future of the School. He also thanked the LA as part of their statutory duty. He added the Diocese, sits in partnership with the governing body and LA in terms of supporting the best way forward. He urged everyone to ask questions and understand the process. Noting the School is celebrating 200 years of education provision in the village, he added it would have been one of the first schools set up under the National Society in 1811. Adding, it is difficult to have these conversations at this time of celebration of 200 years of the School but it is important as part of the Diocese's duty and he would be happy to take any further questions.

A Q&A session followed the presentation and comments.

3. Q&A Session chaired by Cllr Mulligan

A member of the public and previous teacher and a governor at the school said they were extremely concerned about its future. It was recognised the school had only 6 pupils and therefore difficult to maintain. There has been a number of improvements over the years to facilities but it has always been a great centre of excellence for learning and noting now celebrating 200 years. In terms of the future of the School building could it be used as a pre-school, a Forest School, an Outward Bounds Centre or as a centre for excellence for training teachers in using their local environment?

David Cleaves Vice Chair of Kell Bank CoE VC School and governor Masham CoE VA School, asked the question if the field was owned by the County Council as it was purchased with a donation to the governing body?

Andrew Dixon responded saying his understanding was that the field was owned by the County Council.

Richard Noake added that the Diocese inventory indicated they own the rest of the site.

A governor said she had received the documentation regarding the consultation and praised the work of the Chair of Governors and said he had done an amazing job over the years. Noting at Masham CoE VA School the capacity was at 116, asked why there are 121 pupils and remarked those additional 5 children could have made a difference to Kell Bank CoE VC School or to another small school.

Andrew Dixon said the specific reason for numbers at Masham was not something that had not been looked at prior to the meeting but added that if oversubscription were a factor it could be because parents had gone to an independent appeals panel and their decision is binding to the school.

A governor said that Brian Gregg, Chair of Fearby, Healey and District Parish Council, had wanted to make a comment but was currently unable to join the meeting due to technical difficulties but had asked the question regarding the numbers at Masham CoE VA School. Brian had grandchildren coming up to school age and wanted to support the school. The governor added she also wanted to comment on the higher numbers at Masham CoE VA School which were not helping smaller schools like Kell Bank CoE VC School.

Cllr Mulligan added it could be due to admission appeals which is a parental right and choice.

David Cleaves responded saying it is generally where a class had not reached its Published Admission Number (PAN) in a particular year group and if parents went to appeal they would probably get in. David added Masham CoE VA School had not sought to actively attract out of area pupils.

A governor asked if the County Council was taking any of the future housing development in Masham into account because it would increase pupil numbers.

Andrew Dixon responded saying the County Council had taken the housing growth into account in Masham and said that as the sites in Masham are built out, pupil yield would be impacted over time. If the building developments come to fruition then pupils from the Kell Bank area would have priority over the quite high proportion of children who, to date, had secured places from out of catchment at Masham CoE VA School. It would be a gradual change of the type of intake. Masham CoE VA School has 37% of pupils attending from out of catchment (based on the October 2019 school census) that would gradually be displaced over time. Andrew stated there were around 100 pupils in the Masham and Kell Bank area, allowing headroom for Masham School to absorb additional numbers and the LA had given careful consideration to this.

Responding to this answer, the governor stated the catchment area for Kell Bank was wide in terms of countryside but had few children living in it.

Andrew Dixon said that was important to note and as indicated in the presentation, it is also about parental preference. Although Masham CoE VA School potentially could become the catchment school for the Kell Bank area that did not preclude any parent applying for any school in the area and this is a common feature in both town and rural areas across North Yorkshire.

Another governor added that due to the fact Masham CoE VC School takes 37% of pupils out of catchment it does not help other local schools. It would be helpful if parents stuck to their catchment areas and this could have attracted more pupils to Kell Bank.

At this point Brain Gregg was able to join the meeting by phone.

Brian Gregg, Chair of Fearby, Healey and District Parish Council asked the question why the school numbers had gone down so much given its high academic achievement, what assistance had the LA given the school over the last few years?

Andrew Dixon replied saying the presentation had covered the support provided by the LA and the Diocese to the School.

David Cleaves asked about the development in Masham and entitlement to S106 funding. Regarding the capacity at Masham, their PAN is 20 per year so the total number on roll could rise to 140. He added Kell Bank CoE VC School also historically attracted some out of area pupils. Another contributing factor is the type and cost of property in the area, which precludes it being bought by young families.

Richard Noake said he empathised with the question around parental preference. The government in the mid 1980s said parents should be able to make a preference. This is challenging in terms of the distribution of children over a number of schools, but parents can choose and if spaces are available, an opportunity is provided to attend. The opposite end of this is when a school becomes vulnerable and goes into an Ofsted category, parents then take children to other schools. It is a challenge faced in the sector in terms of how admissions operate.

Various attendees at the meeting raised several points about the communication of the meeting date/time and sight of the consultation document. Attendees requested NYCC reflect on this and that a further meeting be established.

Cllr Mulligan said he had noted all the comments regarding the publicising of the meeting and would consider the need for another meeting and it was important that a public consultation was made available to all. He urged everyone to respond to the consultation. He thanked everyone for attending the meeting and noted it was a significant issue for the community.

The meeting closed at 20:20

Post meeting note 19 November 2020

NYCC confirmed a further virtual public meeting via Microsoft Teams would be held on the 2 December 2020. The additional public meeting would be communicated as previously to all known stakeholders, which included; parents, staff and governors at the School, Councillors both County and District, National Teaching Union, all other local schools in the area and Early Years providers and additionally via the Masham Community Office as suggested in the public meeting and including Masham Town Council.

In addition, these stakeholders were notified that the closing date of the consultation was extended to 21 December 2020, a week later than the original closing date of 14 December 2020.

Record of Public Meeting concerning proposed closure of Kell Bank CE VC Primary School

Second Public Meeting held on 2 December 2020 at 7pm using Microsoft Teams (due to Covid 19 restrictions in place at the time of the meeting)

Present: County Cllr Patrick Mulligan (Executive Member for Education and Skills, NYCC), Andrew Dixon (Strategic Planning Manager, NYCC), Canon Richard Noake (Director of Education, CoE Diocese Leeds, Jane Wood (Executive Headteacher, Kell Bank CE VC School), Jeff Loveday, (Chair of Governors, Kell Bank CE VC School), Matt George (Strategic Planning Officer, NYCC) and Sue Turley (Strategic Planning Officer, NYCC).

Three school governors, Chair of Fearby, Healey and District Parish Council, two members of Masham Parish Council, two members of the public, a National Education Union representative (North Yorkshire District).

Apologies: None noted

16 people were present at the meeting via Microsoft Teams.

AGENDA

Meeting opens – brief welcome	Jeff Loveday – Chair of Governing Board
Executive Members Opening Remarks <ul style="list-style-type: none"> • Introduction to the Panel • Short statement about background 	County Cllr Patrick Mulligan
Presentation <ul style="list-style-type: none"> • The proposal • Background to the proposal • Pupil numbers • Finances • Local Schools • Local Housing • Catchment area • How can people comment 	Andrew Dixon – Strategic Planning Manager NYCC
Question and Answer Session	County Cllr Patrick Mulligan
Meeting Close	County Cllr Patrick Mulligan

1. Welcome

Andrew Dixon, Strategic Planning Manager at NYCC welcomed everyone to the meeting. Andrew Dixon invited Jeff Loveday Chair of Governors, Kell Bank CE VC School to open the meeting.

Chair of Governors Kell Bank CoE VC School opening remarks

Jeff Loveday said the public meeting tonight was to discuss the consultation on the proposed closure of the school which followed a request from the School's Board of Governors in September 2020. A request that was very difficult to make and heart rendering. It is important we hear what everyone has to say as part of this public consultation tonight and from this point the LA will take comments, read, analyse and make deliberations after the (closing date of) 21 December 2020. Jane Wood, Executive Headteacher at the School was asked to identify herself to everyone as part of the Teams meeting. Jeff invited Cllr Mulligan to speak.

Executive Member opening remarks

County Councillor Patrick Mulligan introduced himself and noting this was the second public meeting. He introduced the rest of the panel, noting Richard Noake was representing the Diocese of Leeds. The meeting was supported by three LA Officers; Andrew Dixon, Strategic Planning Manager, Matt George and Sue Turley, Strategic Planning Officers.

Cllr Mulligan noted the meeting would be recorded. It would be helpful if attendees could keep their cameras on for the 'Q&A' part of the meeting. He encouraged everyone to contribute in the meeting.

2. Presentation

Andrew Dixon explained the purpose of the meeting was to consider the proposal that Kell Bank CoE VC Primary School should close with effective from 31 August 2021. Andrew said the presentation would address school numbers, the financial position and places available locally at other schools.

The meeting was part of the process to consider the views of all those likely to be affected by the proposal and would be considered as part of the decision making process.

Andrew explained the background to the proposal, noting this was the second meeting having held a previous public consultation meeting on 17 November 2020.

Ofsted last inspected the school in October 2013 when there were 45 pupils on roll. All judgements at that time were 'Outstanding'. Andrew highlighted the consultation was not about school standards, however, increasingly low numbers attending make it difficult to maintain quality and breadth of education.

Andrew talked through the slide relating to pupil numbers. The school's current capacity is for c50 pupils. Numbers on roll have been reducing since 2014. Housing growth in the local area is not expected as part of the Local Plan and therefore not in any significant numbers in the school's catchment area. Pupil numbers over time have reduced year on year, from 39 in 2014 to 15 in September 2019. Currently there are 6 pupils on roll, 4 pupils in KS1 and 2 in KS2 (Year 6) who will leave the school for secondary education at the end of this academic year.

In relation to the local primary aged cohort (number of children of primary age who lived in the school catchment area and identified through their attendance at a NY school), there were 11 pupils of primary age in the October 2019 Census and 8 of those pupils attended the school at that time. Andrew noted for added context, that

with around 113 residential properties in the rural catchment area, using the LA's formula for assessing the potential primary pupil yield (1 primary aged pupil generated for every 4 dwellings), this would yield around 28 pupils. Currently, from the 113 existing residential properties, there were only 11 children.

Pupil recruitment efforts had taken place through publicity through a private nursery, estate agents, positive press coverage celebrating the success of the school, signage locally and school positively involved in community projects.

School projections revealed that In year deficit projections of £17k would occur in 2020/21, £17k in 2021/22 and rising to £30k in 2022/23, leading to a cumulative deficit of £49k in March 2023. These forecasts were based on pupil number assumptions of 16 in the current 2020/21 and 13 in 2021/22, numbers are now significantly lower.

School governors had attempted to bring the school into a sustainable position through financial strategies. There is an Executive Headteacher arrangement in place at the school and efficiencies through a collaboration with two other local schools have been maximised. It is not a formal federation under one single governing body but the school has sought and achieved financial efficiencies through this collaboration.

There are several local schools in proximity to Kell Bank CE VC with Masham School the nearest at 2.8 miles (distance from school to school). The school is in a primary collaboration with Snape Community and Thornton Watlass CE primary schools a little further away but with established links. The nearest alternative school is at Masham CE VA with a total pupil roll of is 121. 43 pupils (37%) attend from outside the Masham school catchment area (October 2019 census figures). The primary aged cohort (number of children of primary age who lived in the school catchment area and identified through their attendance at a NY school) for Masham is 85 and the primary aged cohort for Kell Bank is 11. This would equate currently to 96 primary aged pupils and Masham school's capacity is around 116. There are three year groups with 20 on roll at Masham School and other year groups below the Published Admission Number (PAN), which is 20.

In the event of closure of Kell Bank CoE VC School, the proposal is that Masham School should become the catchment school for the area currently served by Kell Bank School and this would be effective from 1 September 2021. Andrew said NYCC would welcome comments on the closure proposal and the catchment arrangements going forward.

Andrew highlighted that the LA would ask that parents familiarise themselves with admission arrangements for other schools and noting that Voluntary Aided schools and Academies are responsible for their own admission decisions.

Advice and assistance for the remaining pupils at the school will be available at any time through NYCC staff based in Harrogate. Pupils remaining on roll following a decision on closure, will be offered places at alternative schools, with places available in line with parental preference wherever possible. Assistance with transport would be provided to children who were eligible where this involves travel beyond 2 miles (or 3 miles for those aged 8+) to the nearest catchment school or nearest school to home address.

School staff will be supported throughout the process. There will be a parallel staff consultation. Andrew noted there was Trade Union representation at the meeting tonight. The governing body would remain in place through to the implementation of the decision, and if a closure decision was made, the governing body would be dis-established in August 2021.

The School buildings and School site are owned by the Diocese. The playing field is owned by NYCC. Future use would be a matter for the Diocese and NYCC. Decisions about the future use would be taken after determination of the closure proposal.

Andrew asked Richard Noake to speak from a Diocese perspective regarding the current situation.

Canon Richard Noake, Director of Education, CoE Diocese of Leeds, thanked Andrew and said the Diocese is large and Kell Bank CoE VC is one of the 239 schools in the Diocese. The Diocese is the religious authority, the School is a church school.

The Diocesan Board of Education is a Statutory Board and sits alongside the LA as the other statutory partner in the decision making processes around schools and clearly involved when consulting on a proposed school closure. The Diocese is in listening mode as at the last consultation meeting and keen to hear views and concerns and to what the outcome might mean for the School. Noting Kell Bank School CoE VC is celebrating 200 years, making it one of the earliest schools. The CoE set up the National Society in 1811 and every church school after that time was created to serve the needs of the local community and Kell Bank has clearly achieved that and everybody should be very proud. Noting the Ofsted inspection was very strong, it is not about standards but sustainability due to low numbers and little indication they will increase over time. The Diocese will work in partnership with the governing body who have asked for this consultation and that they are part of the process.

Andrew Dixon outlined the next steps and highlighted:

- The consultation had been extended and now runs until the 21 December 2020 (previously 14 December 2020) without making any impact to the existing timeline and encouraged responses to the consultation, written or online.
- Complete form – written hard copy posted or online survey through the NYCC website survey.
- County Council Executive considers responses to the consultation on 26 January 2021 plus the records of the two meetings. If it decides to move to the next stage, there is a further four week representation period. The date of 23 March 2021 is scheduled for a decision to be taken by the Executive. It is important that this date is prior to Easter to ensure a full term's notice for both parents and staff. In the event of a closure decision being taken, the school would close at the end of August 2021.

The formal presentation ended and Cllr Mulligan asked for questions and for people to identify themselves when asking a question or commenting by raising the hand icon within the Microsoft Teams function.

3. Questions and Answers Chaired by Cllr Patrick Mulligan

Cllr Mulligan thanked Andrew Dixon and Richard Noake.

Paul Busby, National Education Union, North Yorkshire, commented that it was always a sad occasion to witness the demise of a school and paid tribute to the professionalism and standard of teaching. He wished all the staff well moving forward.

Cllr Pickard said that he had lived in the area a long time and can see the economic case with only 6 pupils remaining at the school and that children would be welcomed into Masham School's catchment area. It was noted there were only 4 pupils to relocate and that if there ever was a time to do it, it is now and he could not see the economics could be turned around to return to 40 pupils.

David Cleaves, Vice Chair of Governors Kell Bank School and Governor Masham CE VA School, said following on from Cllr Pickard's comments, at a recent governing board meeting, thought had been given to those children in the Kell Bank area starting school in the next year or so and unfortunately they could not identify any such children.

Cllr Grainger, said a fellow Parish Cllr had noted that an application for 60 houses has recently been passed and would probably start to be developed in the next year and other developments would follow. It was understood that Masham School was at capacity, and asked the question if it teaching the whole reception at both schools housed at Kell Bank School had been considered to free up space for other year groups at Masham School. Adding it will be inevitable that there will be a need for a further school possibility at Masham in the future.

Andrew Dixon said there were two parts to answering the question. Firstly, how strong do we see the likelihood of growth in Masham and the need for additional school places. The LA is aware of the planning application for 60 houses and a further application. There might be some growth of 80-100 houses and the LA monitors this through the Local Plan. The most important factor is that Masham School currently accommodates a lot of pupils from out of its catchment area and if the proposal came to pass, pupils from Kell Bank area would get priority for places at Masham school going forward. Although Masham School appears full, it is not full with pupils from its own catchment area as stated in the presentation. The LA will carefully monitor any housing growth but do not see in the short/medium term that there will be a shortage of places from pupils from the Masham area. Secondly, the practicalities of a split site arrangement is in the LA's experience only something that is progressed out of necessity and in relation to the first part of the question, the LA does not see the necessity at this point in time. Working across a split site can be less efficient for staff and not always favoured by parents, with different ages of pupils at different sites introducing inefficiencies to the day to day running of the school but this model does and can happen successfully.

Jeff Loveday said he wanted to reassure tonight's meeting that the governing body had canvassed endlessly when new residents moved into the area with children, with estate agents and the local Swinton estate, all of which had yielded little results to date, all of this is still ongoing as the School is not closed yet.

David Cleaves acknowledged the meeting had discussed finance and efficiency but there is a need to bear in mind the education of the children in terms of low numbers

that are not necessarily been well prepared for moving to a larger environment and receiving stimulus of a larger number of their peers, this is not a criticism of the teaching. The children would be transitioning from a group of 4/6 pupil to classes of 30 plus at secondary and this would be a big shock to them. We have to ask in terms of the wider social aspects of education, is Kell Bank CoE VA School able to provide that to the quality we would wish for.

Cllr Mulligan – acknowledged that was a good comment. Education is more than text books, it is also emotional, spiritual and social development.

Cllr Gregg added there is some significant housing development to happen in Masham, and asked what happens to the building at 31 August 2021, if the school is closed, is it disposed of straight away? Bearing in mind the developments in Masham would it not be possible to mothball the school until it might be needed in the future? Brian added, we don't know how many families will come with the new developments and will Masham School be able to cope?

Richard Noake responded to this question but said he could only speak generically about the closure of the building. He noted the Diocese are the custodian trustees for the buildings and when a school closes, the Diocese is liable for any costs of keeping that building going and that he did not know where that funding would come from to keep it mothballed. Adding, it takes some time to dispose of a building due to legal requirements. In relation to any of the assets, resources raised by disposal would not be the Diocese's money, it would be ringed fenced for church school education in other contexts and even possibly for use at Masham School, if needed for example to fund capital works from the funds generated from the sale, but he emphasised this could not be promised. At a generic level, you look for the next best thing that could be done to support education and that would be to realise the funds generated from the sale of the property.

Paul Busby asked if any potential sale would be with or without planning permission?

Richard Noake replied that it is not usual to apply for planning permission, it is to dispose of the asset as quickly as possible, it would not normally seek to do that.

A member of the public asked if the school building could be used as an education facility like Bewerley Park or East Barnby? Adding children from the cities could visit the countryside and perhaps stay for a week using all the activities in the local area. This could support retaining the building for future use as an overflow for Masham School.

Richard Noake responded saying an organisation might want to put a proposal forward but as a Trustee of Marrick Priory which is an outdoor activity centre this and all of other outdoor organisations are struggling for funding. Richard confirmed the Diocese does not have funding to run outdoor centres.

Cllr Pickard said he was leading on the development of the Neighbourhood Plan and looking forward 10 years in the future, there might be up to 160 houses in Masham. Therefore in line with the formula of 1:4, that would generate 40 additional pupils. This number of additional pupils would take Masham School and the catchment of Fearby and Healey over their threshold, with no pupils able to attend from outside of the area. Looking at the prospect of someone funding a new site for Masham School and knowing the current site is very tight, if a new alternate school site in or on the

outskirts of the town was identified as part of a developing Neighbourhood Plan, what would the LA's view of this be?

Andrew Dixon replied, adding if you took the longer term view and combined this with what we know is a tight site at Masham School, he could see a scenario where there could be difficulties. However the normal pupil yield may not be realised and there is some evidence that this it is not always the case in rural areas. Whether a small development site could generate the availability of an alternative local school site he would not be sure. That would be in the gift of the site promoter which would be over and above their normal responsibilities to mitigate the development. There are lots of uncertainties looking that far ahead and it does not change the known position and the situation of a high proportion of out of area children attending Masham School. 'Maybe' is the overall answer to the question.

Paul Busby said following on from the comments made regarding improving the facilities of Masham School, it seems a tragedy for education and the community if a developer was to snap up the buildings and get planning permission as any profit could help support and benefit a new school fit for purpose in Masham.

Andrew Dixon responded saying that covering the cost of delivery of a whole new school building is very unlikely from the sale of an existing school site and would need significant future capital investment from other sources. Taking note of the question of planning permission, it is a small site and unlikely to realise sufficient funding in terms of a rebuild but improvements that Richard Noake alluded to maybe possible.

Cllr Pickard asked a question on behalf of those parents with children currently at Kell Bank School in relation to the priority given to admissions if the Masham catchment is enlarged to include Fearby and Healey. Do pupils with siblings out of the area get priority, or pupils in Fearby or Healey area?

Andrew Dixon said that Masham is a VA School and has its own admissions policy.

David Cleaves responded saying the governing body at Masham School had looked at this recently, the admissions policy gives priority to local children over and above siblings. As a Voluntary Aided school they have more authority than a Voluntary Controlled school. Governors have always seen Masham School CoE VA as a community school for local children and taken a decision to give priority to local children. The tie-break is the proximity to the school. David asked a further question regarding Section 106 funding and what a local school could look forward to getting from any new development to help with increased numbers?

Andrew Dixon replied saying it is a planning obligation through a Section 106 agreement. The LA has a policy based on DFE guidelines which allows the LA to request developer contributions where it can be seen that the pupil yield from a developer could not be accommodated within a school's existing capacity. It is not about correcting pre-existing problems at a school. Sometimes a flexible agreement in terms of wording can be secured for the school to use the contribution more widely but this is not always the case, and added it is normally around adding capacity at a school and linked to an increased PAN. The LA could make a case in order to obtain the most flexible use of the funding but the developer may insist through the negotiation of the agreement, noting the law is on their side, that it can only be used to increase capacity at the school.

Cllr Gregg stated it was an inevitable result and obvious that the catchment area for Kell Bank has not got the children. Stating many of the small farms have gone and had families attached to them. A lot of the houses in all the villages and outlying parishes are bought by more mature people and some are holiday cottages. He added there is leverage with developers building 80 plus houses. He is concerned about the closure of Kell Bank School and would be less concerned with a brand new school in Masham that nobody could object to. With this development in mind and the fact Masham is working hard to develop its own Neighbourhood Plan, there is an opportunity not just to upgrade facilities at Masham CoE VA but could go further to obtain a new school site. There is a site there that could be developed into something else. Masham is a great place to live with a brewing industry and hopefully more jobs and he would not like to see it become a retirement village.

Andrew Dixon replied saying with the size of the proposals in the current local plan it would be beyond the obligations of the developers/land owners to offer up a new school site, alongside the capital considerations that we have covered earlier.

Richard Noake added that he was encouraged by the vision of Masham. It is a thriving community with a lot going for it and the views of people in the meeting cannot be underestimated and it is important that everyone works together to safeguard the future of Masham.

Jeff Loveday commented that it was interesting to hear about the future of Masham town but the meeting tonight is about the consultation around the proposed closure of Kell Bank CoE VC School. A lot of the discussion is for a later date in terms of the future of Masham. He stated that the governing body tried its best and it is very sad there are not the parents and therefore the children in the area.

Richard Noake said he agreed and that no decision had been taken yet but if a decision for closure is made, the Diocese will work with the school in terms of what a very positive end looks like in terms of celebrating 200 years of the School.

Jane Wood Executive Headteacher said they are desperately keen to mark the 200 years of the School and to embrace the community with the celebrations of Kell Bank and urged people to get in touch with School.

Jeff Loveday wanted to back up what the Headteacher has just said and acknowledged the work of the Community Office in publicising their situation and the consultation. Jeff said they were hoping to form a committee to publicise the 200 years celebration of the school and there will be a lot to read about in the local press.

Cllr Mulligan, after receiving no further comments from the public, thanked everyone for attending and understood the difficulties presented at the meeting and said that all comments and questions had been noted. Everyone is passionate about the School and noted that this had been represented very well. Whatever the outcomes of the consultation, the history and achievements of what the school has achieved throughout its 200 years will be celebrated.

The meeting closed at 20:05

Kell Bank CE Responses to Consultation

		Agree with closure proposal	Agree that in the event of closure Masham CE be the local school	Comments received
1	Headteacher of neighbouring school	Yes	Yes	No comments submitted.
2	Parent of a child at a Federated School	No	N/A	<p>Interesting how there is a large proportion of children outside of catchment at Masham with a good Ofsted rating. I would have thought Kell bank would have attracted children out of catchment given its outstanding Ofsted. When is NYCC going to recognise that federations and collaborations are not of benefit to the children. It seems to me that parents are moving their children out of these schools to schools which are not federated or collaborated playing straight into your hands to amalgamate schools. I have children in a federated school and the school community is much less nurturing with more of a business mindset. These rural schools expect the children to travel between schools eating into the school day as by their very nature they can be remote and travelling times are long. School leaders are not transparent and often secretive which leads to a feeling of mistrust between stakeholders and the community deteriorates and parents move their children out. Sharing of catering facilities results in a deterioration of food quality for those meals that have to travel. Our school is also promoting reception children to be enrolled at the larger school which is reducing the number on roll and is a nail in the coffin for the smaller school in the federation. We have experienced all of this at our school. The parish council blaming the fall in numbers on houses being unaffordable in the catchment I think is not necessarily true. I know of other village schools with excessive house prices locally who have large numbers of children shipped in from outside catchment.</p>
3	Local Community Member	No	Yes	<p>Kell Bank School should be amalgamated with Masham Primary School and used to accommodate Year 1 and Year 2 pupils. This would give Masham School increased capacity to accommodate children from proposed new housing developments in Masham. Year 1 and 2 pupils would have more space to play and enjoy more opportunities to be outside in nature.</p>

4	Local Community Member	Yes	Yes	6 pupils in a school for 50 is a monumental waste of money. Close it.
5	Masham Parish Councillor	Yes	Yes	Bearing in mind the low pupil numbers at Kell Bank there appears to be no alternative to closure.
6	Community member, former pupil and parent of Kell Bank	No	Yes	It is very sad to see it due to close. It shows a wide problem that families cannot afford to buy properties in the area hence retired or holiday lets properties seem to be what happens. Aside from the pending new builds due there are a number of empty properties owned by the local large landowning estate whom are not rented out at present which may be a possible for families to rent if up to standard. Have potentially rented properties been taken into account of the figures? Another wider issue is that as a school closes then it discourages families to move there and then other services also struggle to survive..pub and village hall. A viscous circle of decline. Given the covid pandemic there is an upsurge of people looking for a more rural community lifestyle...has this been considered too? As Masham school already over quota and uses temporary classrooms has Kell Bank site not been considered as being used as part of site to be used. Some of the schools you list as alternatives are not practical when the weather is bad...snow, ice and flooding. As council cut backs in rural areas means roads are not gritted, or kept clear enabling safe passage to over school ie over Trapping hill to Middlesmoor, or Start Bank to Middlesmoor, or flooding to Masham...the Swinny or Thornton Watlass via Masham Bridge, Kilgram bridge etc. Extreme weather will be more the norm so interrupt travel . The wider picture must be weighed up!
7	Former pupil	No	Yes	Such a waste of a excellent school grounds. Masham primary is bursting at the seam, surely Kell Bank can be used to help ease Masham's overflow, instead of going to waste.
8	Local Community Member	N/A	Yes	Will it reopen when the new houses to be built in Masham are occupied with young families anxious to find school places for their children and the small school in Masham is unable to accommodate them? Is it possible to use Kell Bank as an annex? Will there be a free school bus?
9	Chair of Governors Masham School	Yes	Yes	The GB of Masham School considered the proposal at meetings on 16 November and on 7 December, to take account of feedback from the consultation meetings. This response is from the GB.
10	Local Community Member	No	Yes	As an ex teacher, a member of the community and the parent of a former Kell Bank pupil, I feel that the closing of the school would have a very negative effect on the Fearby and Healey community. In the current climate, I appreciate that schools must be financially viable, however I feel very strongly that all the supporting information that has been given focuses on the barriers to keeping the school open, rather than looking at the

				<p>possibilities that may be considered. Having been involved in the last consultation process many years ago when Kell Bank was threatened with closure, one of difficulties was that Masham school would struggle to accommodate the Kell Bank children .That may not be the case at this time, but Masham School has a limited capacity, offering little room for growth. If Kell Bank and Masham were to function as a split site school, using the strengths of both sites, not only would it offer room for growth in numbers but also in curriculum development. Due to the nature of the building and grounds at Masham, meeting the requirements of a free-flow system for the Early Years always been a challenge, however the accommodation at Kell Bank, given its layout and it's available outdoor space, has potential to become a centre of excellence! Could it be possible to have Reception and KS1 at Kell Bank, and KS2 at Masham? This could not only 'future- proof' both schools, but would help to make connections with both communities.</p>
11	Local Community Member			<p>1. As ex chair of governors of Kell Bank school in the 1990's I would like to register a very strong protest at the lack of any notice to everyone concerned re the meeting tonight! It is shockingly unprofessional and gives no time for all interested parties to be informed.</p> <p>2. Yes I have the Teams information, but as an ancient technophobe I am highly unlikely to manage accessing the meeting, I will do my best. To the best of my knowledge no one from the Parish council has informed us of tonight's consultation. I MAY have to rely on other contacts to find out what is said tonight. This is discrimination of the worst kind, through lack of ensuring everyone was informed in every way possible, not just by technology and parish councils. Covid is a good excuse for you not to deal with this face to face. A public announcement in a local newspaper at least 2 weeks ago would have informed everyone living in the area, and a message to publicise it through Masham community office would have reached a very large majority of people. Kell Bank school now 200 years old is an integral part of the history of Colsterdale, and matters to the whole community! It seems to me the Covid rules are a very convenient way to avoid a very packed village hall full of people who care and value Colsterdale and its history</p> <p>3. After the disappointing Team meeting last night, I hope you will consider delaying the date the consultation closes. The notice of the meeting which was NOT relayed by the Parish Council gave the many supporters of Kell Bank no chance of getting together to make a plan. I only managed to get in for the last 20 minutes and only to listen in – it seemed like a total waste of time. I request a delay till after this lock down, - a chance for as many as is safely possible to meet you socially</p>

				<p>distancing at County Hall or even an open space somewhere outside. The technology didn't work properly for everyone to hear or have their say. As a member of the group who saved the school in 1990's when it went on to be a Beacon School for the Country, and won many accolades for the quality and depth of its education, I ask that you delay the Consultation closure until the matter has been discussed by both sides in a proper and organised meeting, with everyone informed well before hand. Otherwise this will, and does appear to be closure by stealth using Covid to prevent a true discussion from all concerned parties.</p>
12.	Local Community Member			<p>As highlighted before, my daughter & son in law are in the process of visiting & evaluating local primary schools for their daughter. As mentioned, they are due to have their second child in Feb 2021. They have visited Snape and are planning to visit Masham & Grewelthorpe. The teacher teams at these schools are keen to point out the potential closure of Kell Bank. Probably to increase their numbers.</p> <p>I mentioned before that it sounds like you are following a Beeching type plan for education. This as Kell Bank school appears to be of high quality and has a good Ofsted report but has low student numbers. As with Beeching this might well be regretted in future years.</p> <p>I think you are at risk of falling into a self-fulfilling prophecy relative to low school numbers. Firstly you announce the school might/will close. This concerns parents regarding longevity & consistency and they look elsewhere to place their offspring. You then say student numbers are low at Kell Bank. Could, to the neurotic, sound like a conspiracy! I'm sure its not but it does sound a little like a vicious circle versus a virtuous circle.</p> <p>I notice comments in your background information relative to Fearby/Healey becoming retirement villages for people with index linked pensions. This, demographically, might be trueish but most of those people have children & grandchildren living locally. There would be a large benefit in these people helping their children blend their jobs & education of their children by delivering/collecting them etc.</p> <p>The only thing you need to do is market Kell Bank fairly. This means stop all the noise about potential closure and emphasise to local parents/grandparents the benefits of sending their children for a long term, high quality primary education to Kell Bank, Snape, Grewelthorpe or Masham. This, let alone easing the pressure on oversubscribed local primary schools due to the closure noise ... what do you think?</p>

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

(Form updated April 2019)

Proposal to close Kell Bank CoE VC Primary School

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



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

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

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

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

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	Andrew Dixon, County Hall
Names and roles of other people involved in carrying out the EIA	Sue Turley, Strategic Planning Officer
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Consultation started on 2 November 2020

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

A proposal to close (cease to maintain) Kell Bank CE VC Primary School. A period of consultation with the community has been carried out, including written consultation and two virtual public meetings. A statutory representation period will follow.

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

The County Council is under a statutory duty to ensure there are sufficient school places in the area, promote high educational standards, ensure fair access to educational opportunity and promote fulfilment of every child's educational potential. There are three key concerns: 1) Low pupil numbers; 2) The schools financial position, and 3) Breadth of curriculum. These issues are laid out in detail in the consultation document and the report to CYPS Executive Members on 20 October 2020.

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

It is proposed that Kell Bank CE VC Primary School should close with effect from 31 August 2021 and that Masham CE VA would adopt the existing Kell Bank catchment area as an addition to its existing area in the event of a closure.

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

The consultation period ran from 2 November to 21 December 2020. Consultation documents were distributed to a wide range of stakeholders, and two virtual public meeting was held. The consultation document and responses are included in the report to the Executive on 26 January 2021.

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.

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

If the school closed, there 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.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		x	x	<p>Currently there are only 6 pupils on roll and two of those are currently in Year 6 and will leave in 2021 to transition to secondary provision. If the decision is taken to close the school this adversely affects the current cohort.</p> <p>Moving to an alternative school will increase the opportunities for pupils to work and play with children their own age.</p>
Disability	x			<p>Pupils – The school is mainstream offering universal provision.</p> <p>Expertise will be utilised from the County Council to provide appropriate SEN support.</p> <p>Staff – As an organisation NYCC will continue to meet the requirements of the Equality Act 2010 which obligates us to make reasonable adjustments to accommodate disabled individuals as employees or service users.</p>
Sex	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.
Sexual orientation	x			No impact is anticipated.
Religion or belief			x	<p>If the decision is taken to close the School, this will adversely impact upon those pupils who wish to be educated in a Church of England School. There are several Church of England primary schools within an 8 mile distance from Kell Bank CoE School. The nearest CoE School is Masham CE VA which is 2.8 miles away. The next nearest CoE School is Grewelthorpe CE VC at 5.8 miles away.</p>

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

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	x			<p>This proposal would have an adverse impact for those living within its catchment that attend the school as they would have to travel to alternative schools.</p> <p>Across the area there are places available for all the pupils currently at Kell Bank CE VC Primary School. The nearest Church of England school is Masham CE VA Primary School which is 2.8 miles from Kell Bank by road and holds a 'Good' Ofsted judgement. The next nearest school is Grewelthorpe CE VC 5.8 miles from Kell Bank CE and holds a 'Good' Ofsted judgement.</p> <p>Free home to school transport would be provided for entitled pupils within the enlarged catchment area in accordance with the County Council's Home to School Transport policy. The County Council's Home to School transport policy sets out that free school transport will be provided to the catchment school or nearest school to a child's home address if it is over the statutory walking distances set out by law.</p>
...have a low income?	x			There may be adverse impact on those families with low incomes by the proposed closure of the school. However, this would be mitigated by the LA provided transport assistance, in line with the Transport Policy.
...are carers (unpaid family or friend)?	x			No impact anticipated

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	
Craven district	
Hambleton district	

Harrogate district	x
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.	
Fearby and Healey Villages	

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

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

The County Council's Officers now feel that this decision is in the best interests of children and families served by the school.

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

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

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	X

4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.

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

Kell Bank 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.' Careful consideration to alternatives to closure of the school, including transport implications and the impact on local people and the wider community has been given. A detailed analysis of these issues is contained in the Statutory Proposals and the report to Executive of 26 January 2021. It is concluded that the case for closure is strong and in the best interests of educational provision in the area.

This proposal may be considered to have an adverse impact for those pupils currently on roll at the school as they would have to move to an alternative a school, as set out above in Section 7. Careful consideration has been had to alternatives to closure, but it is concluded that the case for closure is strong and in the best interests of educational provision in the area.

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Monitoring of standards will be carried out through the County Council's School Improvement Team and through Ofsted inspections. Monitoring of sufficiency of school places in the Masham/Ripon Outer areas will be undertaken by the CYPS Strategic Planning Team.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

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

The purpose of the consultation and proposed decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner. In order to achieve these aims, despite the adverse impacts identified, the proposal to close the school needs to be considered.

Section 14. Sign off section

This full EIA was completed by:

Name: Sue Turley

Job title: Strategic Planning Officer

Directorate: CYPS

Signature:

Completion date: 07/01/2021

Authorised by relevant Assistant Director (signature): Amanda Newbold

Date: 12/01/2021