

# NORTH YORKSHIRE COUNTY COUNCIL

## THE EXECUTIVE

15 March 2022

### PROPOSAL TO CEASE TO MAINTAIN WEAVERTHORPE 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 outcomes of the public consultation carried out by the County Council on the proposal to close Weaverthorpe CE VC Primary School and seeks authorisation to publish the proposals and statutory notices, and to schedule taking a final decision on the proposal on 31 May 2022.

#### 2.0 EXECUTIVE SUMMARY

- 2.1 Under his delegated decision making powers in the Officers’ Delegation Scheme in the Council’s Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed again at the Council AGM on 18 May 2022.
- 2.2 The Governing Body of Weaverthorpe CE VC Primary School agreed, following advice, to ask the County Council to consult upon a proposal to close the school.
- 2.3 This report details the responses to this consultation and asks the Executive to authorise the publication of statutory proposals and notices, and to schedule taking a final decision on the proposal on 31 May 2022. If approved, the School would close on 31 August 2022.
- 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: Consultation Paper
  - Appendix 3: List of the Consultees
  - Appendix 4: Notes of the Public Meeting
  - Appendix 5: Consultation Responses
  - Appendix 6: Frequently Asked Questions Document
  - Appendix 7: Equality Impact Assessment

#### 3.0 BACKGROUND

- 3.1 Weaverthorpe CE VC Primary School, in the Ryedale area, was inspected by Ofsted in January 2020 and found to be ‘Inadequate’. The inspection report was published by

Ofsted in July 2020.

- 3.2 The Regional Schools Commissioner (RSC) issued a directive academy order (DAO) in July 2020 as the school was now eligible for intervention under the Education and Inspections Act 2006.
- 3.3 The headteacher left the school in the summer term 2020 and an acting headteacher took over the leadership of the school in September 2020. The previous governing body was dissolved, and replaced with an Interim Executive Board (IEB) in September 2020.
- 3.4 For all schools who have been issued with a DAO it is the responsibility of the RSC to broker sponsorship of the school by a Multi-Academy Trust (MAT). This MAT would then take on the governance and management of the school on conversion to academy status. In the period of time since the DAO was issued the RSC has been unable to identify a MAT that would be prepared to sponsor the school due to viability concerns. These concerns related to the low pupil numbers (25 pupils on roll at that time) and the associated financial challenges that presents.
- 3.5 A potential sponsor MAT trust could not be identified because they did not consider Weaverthorpe to be viable as a stand-alone school. It was therefore clearly important to explore if a formal partnership with another local maintained school could be an option to sustain Weaverthorpe School both educationally and financially. Local Authority officers and the Diocese of York worked together to discuss the situation with the potential partner schools in the local area during the summer and autumn terms of 2021. The schools contacted by the LA were the Federation of Luttons and Sherburn CE plus Hertford Vale and West Heslerton schools. These schools were unable to commit to a formal partnership at this time. The York Diocese also approached the Federation of Sledmere and Wetwang schools in the East Riding about the potential for collaboration with Weaverthorpe. Ultimately, none of those discussions resulted in an acceptable partnership proposal for the future of Weaverthorpe School. It is considered highly unlikely that a partnership arrangement with another local school, such as federation or amalgamation, can now be identified. The school is in a vulnerable position for multiple reasons, not least because the temporary leadership arrangements cannot continue beyond the end of the current academic year.
- 3.6 Consequently, the IEB of Weaverthorpe CE VC Primary School decided, with regret, that they would ask the County Council to commence a consultation on the future of the School. Governors felt they had exhausted all options open to them to secure the future of the School following the Ofsted judgement, the issuing of a DAO by the RSC, the failure of the RSC to find a sponsor and the absence of a collaboration option within the local maintained sector.
- 3.7 The Chair of the IEB wrote to parents to explain the situation and why it was considered necessary to propose a consultation. This was followed by a governors' meeting with parents on 10 November, with officers from the LA and Diocese invited to attend and explain the circumstances and the required statutory process.
- 3.8 Where schools are subject to a DAO, the Secretary of State can also order that a school is closed if it is considered unviable. If the statutory closure process were not followed, the RSC may need to consult with the Secretary of State to determine if powers to direct closure for Weaverthorpe School should be exercised.

#### 4.0 **CONSULTATION UNDERTAKEN AND ANALYSIS OF RESPONSES**

- 4.1 The decision to consult on the proposal was taken by the Executive Member for Education and Skills on 7 December 2021.

- 4.2 A consultation paper setting out the proposal was sent to parents of pupils on roll, staff of the school as well as other interested parties and individuals. A copy of the consultation paper is attached as Appendix 2 together with a list of the consultees at Appendix 3. A Frequently Asked Questions Document (FAQ) was also circulated which included responses to questions that had been raised by parents at the initial meeting on 10 November as well as via the Local Councillor and the Parish Council. The FAQ document was updated and re-published on two further occasions (13 December and 31 January) during the consultation period as further questions were received. The final version of the FAQ document is attached as Appendix 6 to this report.
- 4.3 Consultation was undertaken between 7 January and 18 February. A physical public meeting was not possible due to the need to minimise gatherings where possible as a result of Covid 19. However, a virtual public consultation meeting was held online using Microsoft Teams, the details of which were included in the consultation document. 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. The School and LA did receive some requests for alternative engagement from a group of parents and a decision was taken to consider at a later date how that could be safely carried out. The virtual meeting was held on 20 November and was attended by officers of the Local Authority, the Headteacher, the Diocesan Director of Education, Governors, and a number of parents and other local stakeholders. Some attendees did not give a name via the Microsoft Teams application but in total, inclusive of LA officers and Members, there were 31 people in attendance (a record of that meeting is attached as Appendix 4).
- 4.4 Following this meeting the School and LA contacted the parents who had requested a physical meeting and offered to attend the School and discuss the proposal with them if this could be done in a safe manner. Three parents accepted this offer. On 9 February the Strategic Planning Manager for NYCC attended the school and, alongside the headteacher, discussed the proposal with parents and took questions both on the proposal and the process. Only two of the three parents were ultimately able to attend this engagement meeting but the third did ask some questions via the headteacher. The majority of questions raised on the day were covered in the FAQ document, but some are addressed in section 5 of this report.
- 4.5 Throughout the consultation period printed copies of all of the consultation documents were available for collection from the School. However, the Parish Council made representation that they felt a number of community members would be unable to partake in the virtual meeting. It was subsequently agreed that if those people made themselves known via the School then LA officers would take stock and determine how best to ensure engagement. Ultimately, nobody did make representation via the School and the small parents meeting was the only additional step that was required.
- 4.6 The following section of the report summarises the main issues raised by eight individuals and groups who completed the online response form or submitted a written response to the consultation. It also summarises the issues raised in the virtual consultation meeting, and the smaller meeting at the School on 9 February.

## **5.0 ISSUES RAISED AND RESPONSES**

- 5.1 All responses to the consultation and comments made by attendees at the consultation meetings saw the closure as a negative thing. Some comments focused on the situations leading to the closure and seemed to see the closure as inevitable, but others focused on alternative options for the school which they felt should be given further consideration.

## 5.2 Situation Leading to the Current Closure Proposal

Several stakeholders, including Weaverthorpe Parish Council and parents responded to the consultation stating that they believed the County Council was responsible for the closure through insufficient support to the School in the past. This was also the most widely discussed issue during the consultation meeting. Attendees asked a number of questions about the deterioration of the school which had culminated in the Inadequate Judgement. They suggested that the Council's alleged lack of action was culpable for the Inadequate Judgement and that this had ultimately caused this closure proposal.

County Council Officers' Response:

The Headteacher and Governing Body are responsible for leadership and standards within the school and at the time of the last of the last full Ofsted Inspection the Leadership within the school was judged to be Inadequate. The Local Authority provides support to all maintained schools but is unable to replicate the work that is the responsibility of the Headteacher and Governing Board. The Local Authority was providing support to Weaverthorpe at the time of the Ofsted Inspection and had used one of its powers of intervention to issue a Warning Notice to the former governing board.

Whilst it is clear that the Inadequate Ofsted Judgement and resultant DAO has been a significant contributing factor to the situation that has ultimately led to this closure proposal, it is not sole or primary reason. In other scenarios an Inadequate Judgement and DAO do not always lead to a closure of a school. In this case it is a result of the key issues as set out in Section 6 of this report. There has not been a proposal identified for the future leadership of the School that can secure the continued improvement required and also be sustainable from a financial perspective.

## 5.3 Recruiting a new Headteacher as an alternative to closure

At the consultation meeting a member of the public asked why a full time Headteacher had not been recruited as soon as the previous Headteacher left. In response to the consultation the Parish Council asked if recruiting a retired Headteacher now could provide less costly leadership for the school.

County Council Officers' Response:

The decision on which future leadership model to adopt is a matter for the Governing Body of a School, in this case the IEB. The LA's role was to secure short-term leadership and governance following the 'Inadequate' judgement. In addition the Ofsted report had noted clear issues with the Leadership of the School and it was obviously paramount to get effective leadership into the school as soon as possible. The appointment of a replacement permanent Headteacher is always the responsibility of the governing board (IEB in this case) and not the LA.

An IEB of a school with a DAO in place and a deficit budget position were right to fully consider the future of the school and its viability before considering a permanent leadership arrangement. If an academy sponsorship had been agreed, many trusts would have brought in their own leadership arrangements alongside the change in governance. In these circumstances the Academy chain would often have its own model of leadership and for a school of Weaverthorpe's size this would often not include having its own standalone Headteacher.

Unless the school is a viable proposition, the IEB could not consider trying to employ a permanent Headteacher. There would not be an option to recruit a retired Headteacher to attempt to make the budget situation sustainable, as at the point they were recruited they

would cease to be retired and would then need to be paid at the appropriate level on the nationally agreed Headteachers pay scale.

#### 5.4 Partnership with Academy school as alternative to closure

It had been set out in the Consultation Document that no Academy trust had been identified by the RSC to sponsor the school following the DAO. Responses to the consultation and questions at the consultation meeting generally did not reference this process in its widest sense but a particular question was asked about why a partnership with Norton College (an Academy school) had not been pursued. One response questioned why Faith status of the school was an obstacle to this proposal, but had not been an obstacle to the Federation of other local schools.

County Council Officers' Response:

It is the responsibility of the RSC to identify any potential academy sponsors for the school. The RSC has advised the Council that Evolution School Learning Trust (Norton Academy) would not be considered as a match for Weaverthorpe because it is not a faith trust. They would also expect a potential sponsor to be able to demonstrate in-house expertise and a successful track-record in primary phase school improvement, and to have good or outstanding primary schools already within the trust.

The process for academisation requires that Church of England schools only join Multi-Academy Trusts with governance arrangements that reflect their Church of England foundation. This is in line with the Memorandum of Understanding between the Department for Education and the Church of England. For maintained schools there are options for Church schools to enter Federations with Community schools. However, it is not possible for a maintained Church school such as Weaverthorpe to enter a Federation with a non-faith Academy.

Choice of potential MAT sponsors is managed by the RSC's office and they will have looked at possible options for trusts given that Weaverthorpe is a Church of England school.

#### 5.5 Partnership with Maintained school as alternative to closure

At the consultation meeting and in the responses stakeholders questioned which schools had been asked about working in partnership with Weaverthorpe and how much effort has been put into this. The question was also asked why these efforts had not been successful and whether further schools could be asked.

County Council Officers' Response:

Several North Yorkshire maintained schools were approached in the summer term 2021 to establish whether they would be interested in a partnership with Weaverthorpe. The Wolds and Vale Federation made up of Sherburn CE and Luttons Community Primary, Hertford Vale and West Heslerton schools all confirmed they were unable to explore such a partnership at this time. The reasons for these decisions are likely to be school specific but it should be noted that for the reasons set out in Section 6 such as low pupil numbers, school leadership and standards all mean that a partnership with Weaverthorpe would be a challenging journey for any school to embark upon.

The York Diocese approached the Federation of Sledmere and Wetwang Schools about the potential for collaboration with Weaverthorpe in the summer term 2021. This approach was made by the Diocese as the federation is within the East Riding, but it was supported by NYCC and the IEB. There were further discussions and assessments undertaken in confidence, given the sensitivity of the proposition, which continued into the Autumn term. Ultimately, this work concluded in October 2021 and did not result in an acceptable

proposal for the future of the school. Any proposal would need to be financially sustainable within the budget that is available to Weaverthorpe School. The level of staffing and leadership which was deemed to be required for a practically workable partnership with Sledmere and Wetwang was not economically sustainable for the School.

Wold Newton is a Primary School in the East Riding. It was not among the group of schools initially contacted to establish if they had interest in collaborating with Weaverthorpe School. However, the Governing Body of Wold Newton Foundation School considered the position of Weaverthorpe School at their meeting on 2 December and confirmed that it would not be feasible for them to form a collaboration at this time.

No other options for alternative maintained partnerships have been identified by stakeholders through the consultation process. All of the schools mentioned above, and other schools, were included in the recent consultation and none have responded in any form

#### 5.6 Removal of the Directive Academy Order by a new Ofsted Inspection

In both the consultation meeting and written responses, views were expressed that the school would be in a better position to find leadership and partnership if the DAO were to be revoked. There was also a view that the School should be subject to a full Ofsted Inspection.

County Council Officers' Response:

Ofsted do not usually return to undertake a full inspection for two full years following an Inadequate inspection outcome, and due to the pandemic routine inspections have not taken place. The RSC has discretion to revoke academy orders in exceptional circumstances but this is not expected unless a school is judged to be 'Good' or 'Outstanding' following a full inspection. At that point, it would be a decision for the RSC whether or not to agree to a revocation of the DAO, and this is never guaranteed.

Although much work is being done to focus on securing the quality of education in school at the moment and the school community would agree that the improvements over the last two years are visible, leadership of these changes are temporary and therefore the improvements are unlikely to be sustainable or sufficient to lead to a change in Ofsted judgement.

Even if both of these events did happen there is nothing to suggest that an option for sustainable leadership would be available.

#### 5.7 Raising Community Funding for the School to remain open

Through the consultation process a question was raised as to whether the community could fundraise for the school in order to place it in a more sustainable position and avoid closure.

County Council Officers' Response:

Any financial contributions from the community to support the school budget must be voluntary. Therefore, no-one can be under any obligation to pay, and any contributions must be unconditional and without undue influence on school management. This requirement places a significant level of uncertainty in respect of reliance on voluntary community funding for the financial sustainability of the school. In this regard, the County Council is unlikely to be able to take into account any voluntary contributions in assessing the financial viability of the school and the school finances should be secure without any reliance upon pledges or other voluntary support.

#### 5.8 Increase in Funding to the School

One response commented that an increase in funding to schools in rural areas had been in the press and that this would be the lifeline that the school needed. Another response said that the Local Authority had acknowledge that they did not want to invest the required funding in order for Weaverthorpe to recover.

County Council Officers' Response:

The budget position, as given in this report, includes the increase in Sparsity Funding for small, rural schools for the 2022/23 financial year, as announced by the Department for Education (DfE). The Local Authority is not able to provide additional funding to individual schools as the funding schools receive must solely be calculated using the LA funding formula, which for North Yorkshire reflects the DfE national funding formula values. The budget position is just one of the factors which have led to this closure proposal.

#### 5.9 Perception that NYCC has not allowing a viable alternative to closure to be found.

A view was expressed at the consultation meeting and in a written response that the Local Authority has not wanted to find an option to keep the School open and that, in particular, any option proposed has been shut down on the grounds of financial viability.

County Council Officers' Response:

It is necessary to only consider solutions that are financially and educationally sustainable for the School, and there have not been any options proposed which meet both of these criteria. The Local Authority has worked with key partners to look for alternatives to the closure of the School and has pursued discussions to explore potential options. Regrettably, the Council has had to deal with school closures in recent years, but only where there has been no other viable option and closure has been in the best educational interests. See also 5.5 above.

#### 5.10 Virtual Consultation Meeting

A view was expressed in written responses that the public meeting should have been held in person rather than virtually. They asserted that the Local Authority were aware that many members of the public were unable to attend a virtual meeting and Covid had been used as an excuse for not having a face to face meeting. An attendee at the online meeting and two written responses to the consultation focused on the meetings that had been held, and argued that NYCC had withheld notes/minutes of meetings related to the consultation.

County Council Officers' Response:

Throughout the pandemic the Children and Young People's Service at NYCC have used virtual meetings in lieu of face to face meetings where it was deemed more appropriate in the prevailing conditions. In the case of this meeting it was determined that a virtual meeting was to be held. Alongside this an offer was made to anyone who felt unable to engage in this way to get in contact with the School and the Council would consider other methods of engagement. Prior to the meeting some parents did express a concern that they may not be able to access the meeting. The meeting went ahead and some of those who had expressed concern were able to attend, but it was noted that others were not. The Council reiterated the offer to this group of parents that alternative methods of engagement could be considered such as meeting face to face depending on the number of people involved. Subsequently three parents took up this offer and on the day two parents were able to attend to discuss further with Council officers.

The initial meeting for parents in November was a governor led meeting prior to the start of the consultation and held at the request of the School in recognition of the gap in time

(November to January) before the formal consultation would commence. During this meeting a question was asked if minutes were being taken, and a representative of the School said that they were taking minutes. Subsequently however, it was decided by Council officers that as additional questions (and some similar questions) had been received from the Parish Council, and others on the same timescale, that it would be more effective to produce a FAQs document. This document included all issues raised at the parents meeting and those received via other means. The FAQs were produced and issued, and then updated twice during the consultation process to reflect further issues raised.

The notes of the virtual consultation meeting are included in as Appendix 4 to this report.

#### 5.11 Predetermination

There was a view expressed at the consultation meeting and in a written response that the closure was predetermined. A response describes the Local Authority as determined to close the school from the very beginning

County Council Officers' Response:

The Local Authority has entered this consultation on the closure of Weaverthorpe School only once it appeared that all other options had been exhausted. It was considered the LA, Diocese and IEB had collectively explored all of the realistic possibilities to sustain the school. However, if an Academy solution had been identified by the RSC then this proposal would not have been made. Similarly, following this, if a maintained partnership had been identified that would have provided sustainable leadership and this had been accepted by the RSC, then this proposal would not have been necessary.

The decision on whether to proceed with the closure proposal is for the Executive of North Yorkshire County Council and their decision is by no means predetermined.

#### 5.12 Impact of the Closure on Pupils

Views were shared at the consultation meeting and in the written responses that the impact on the pupils currently at the school would be significant. Particular reference was made to the disruption that the pupils have already experienced due to the pandemic as well as the previously unsettled situation at the School. Parents paid testament to the work of the current leadership and teachers and the positive impact that they had on pupils. They expressed concern that closure would seriously disrupt their education and cause upset.

County Council Officers' Response:

As stated by officers at the meeting going through consultation and change is never ideal or a preferred choice as it will cause some disruption. However, the situation at the School required that a consultation occur at this point. If the proposal were to be pursued one of the main roles of the existing staff would be to aid with the transition of pupils to their new schools to ensure disruption is minimised.

#### 5.13 Travel Issues/Environmental Impact

Three written responses received and multiple attendees to the consultation meeting felt that the proposed walking route to Luttons C.P, in the event of closure, was not safe. There were concerns raised about the lack of footpath in areas, speed of traffic and difficulty finding refuge on the verge. The comments made in the meeting were in advance of finding out about the proposal to offer discretionary transport for all current pupils and prospective pupils for Reception starters in September 2022. However, the later written responses received were made in the knowledge of that proposal and did include comments that they fundamentally disagree that the route is safe for pupils.

## County Council Officers' Response:

The LA Road Safety team have assessed the route between Weaverthorpe village and Luttons CP School and it is considered to be a safe walking route (child accompanied as necessary) based on the standard criteria applied to all assessments. However, having considered the matter the County Council is minded to apply discretion as allowed under the Home to School Transport policy in the circumstances of a school closure.

It is therefore proposed that all existing Weaverthorpe School pupils who live in the School's existing catchment area and beyond 2 miles from Luttons CP School would be deemed to be eligible for free home to school transport to Luttons CP School on their transfer in September 2022. This proposed approach would also apply to any new starters in the Reception year at Luttons CP School in September 2022 who meet the same distance and residency criteria. This would provide support to the small number of families who are affected by the closure and who would otherwise not be eligible for transport assistance to Luttons CP School based on the usual criteria. Eligibility would continue for the length of the child's attendance at Luttons CP School, unless there were to be a future change of address for the family that meant the distance and residency criteria were no longer satisfied.

### 5.14 Diocesan View

A response to the consultation stated that although the Diocese has been involved in the proposal they were unclear what the Diocese view on the closure proposal was.

#### Diocesan Officers' Response

The Diocese of York has worked in partnership with the Local Authority in trying to secure a future for the School, both in attempting to identify a Multi Academy Trust to sponsor the School as an academy or in finding a shorter term maintained collaboration solution. The Diocese has also supported the School with a member of its Education Team taking up a position on the IEB and through the usual development adviser support that it provides to the School.

No sponsor has been identified by the RSC for the school to become a sponsored academy and it has not been possible to secure a short term maintained solution for the school. The projected numbers in the school are predicted to fall further and this will have an increasing negative impact on budget forecasts based on these predictions. As a long term solution has not been forthcoming and balanced with the current the needs of the School, regrettably the Diocese of York can see no reason to object to the proposed closure.

### 5.15 Concerns about Proposed Catchment School

As part of the consultation some concerns were raised about the choice of schools which are proposed to be the normal school for the Weaverthorpe catchment area should the closure go ahead. Of the seven responses submitted which directly answered the question about whether they supported the catchment proposals two answered 'yes' and five answered 'no'. Only one of the responses against the proposal suggested an alternative and this proposed that Hertford Vale was made the catchment school rather than Luttons due to a view that the facilities and premises are better at Hertford Vale. Hertford Vale was also preferred by one of the attendees at the meeting who said that it was the nearest church school. The nearest church school is in fact Sherburn C.E. but this suggests that for some stakeholders the faith nature of provision is a factor.

At the consultation meeting concerns were raised by some attendees about the standards at Luttons and they questioned whether the Local Authority were confident in recommending Luttons as the 'receiving' school for Weaverthorpe pupils. They also

suggested that Luttons had only been selected to keep transport costs to a minimum.

County Council Officers' Response:

The proposal for catchment areas was selected on the basis that Luttons is clearly the nearest school to Weaverthorpe and Hertford Vale already serves part of Luttons catchment area. This is not just relevant on the basis of transport costs but also in terms of how accessible the school is from the catchment area. This consultation has not produced a clearly reasoned and preferred alternative to this proposal.

As Officers stated at the consultation meeting this element of the proposal is not about recommending one school to parents over others. The right to parental preference is well established. Parents will know best which school is most appropriate for their child and will express their preferences accordingly. However, each area requires a catchment school and for Weaverthorpe and Helperthorpe villages Luttons CP is considered most appropriate. Whereas for Butterwick, Hertford Vale is considered most appropriate.

Luttons Community Primary School was inspected in October 2021 and the report can be viewed here [Ofsted | Luttons Community Primary School](#). Ofsted confirmed there had been no change to the school's overall judgement of good as a result of this initial (section 8) inspection. Ofsted acknowledged 'there have been several changes to leadership recently. The executive headteacher is new to post. He is providing a consistent and positive approach to working in collaboration across the three schools (Luttons, Sherburn CE and Snainton CE) The executive headteacher is committed to improving outcomes for all pupils. This is underpinned by a well-thought-out plan for school improvement.' The Ofsted report set out the school's strengths but also what the school needs to do to improve. School leaders, governors and the LA will continue to work together on school improvement taking account of these recommendations.

#### 5.16 Sufficiency of School Places

Some responses and comments at the consultation meeting raised concerns about the sufficiency of school places in the area. A question was also raised concerning future housing allocations and if they had been taken into account.

County Council Officers' Response:

At present there is a surplus of 70 primary school places across the five most local North Yorkshire schools including Weaverthorpe. If Weaverthorpe School were to close and all the school's pupils were to attend one of those schools this would still leave a surplus of 21 places across the area. Across the same area there is projected to be an impact of 28 additional pupils as the potential yield from housing developments, but this is uncertain. All known housing sites with planning permission or identified in the Ryedale Local Plan, such as the application for new dwellings at Manor Farm, Sherburn have been taken into account when projecting the available capacity. The consultation document further reflects the position of Luttons Community Primary School, such that they have the flexibility and capacity to increase their intake should the need arise in future.

Early in the process Council officers communicated with Weaverthorpe parents about a potential 'preference exercise' for alternative school places. It was explained that from an LA perspective it is not ideal to undertake a preference exercise for alternative schools until later in the process, and where possible this would preferably take place after the end of the consultation period. This would allow for the catchment areas to be confirmed. However, feedback received from parents via the School was that there was a wish for the exercise to be undertaken sooner, thereby enabling provisional school allocations at an earlier date.

The 'preference exercise' has therefore been undertaken and completed for existing pupils in Reception to Year 5 and all have been provisionally allocated a place (in the event of closure) at their preferred school for September 2022. A small number of parents have chosen to transfer their children to alternative schools on an earlier date. All parents were notified of the outcome during February 2022. The majority of allocations have been for Luttons Primary School but smaller numbers have preferred other schools.

The projected position for Reception entry in September 2022 is that none of the local schools (Luttons Primary, Sherburn CE Primary, Hertford Vale CE Primary) will be oversubscribed and will have surplus places available in the Reception year. An update on this position can be confirmed to Executive prior to final determination of the proposal which is scheduled for 31 May 2022.

## 6.0 KEY ISSUES

The consultation document set out the key concerns as stated in the report to Executive Member for Educations and Skills dated 7 December 2021. The latest position on these issues is summarised below. The finance figures have been updated to reflect the latest budget position following confirmation of the increase in sparsity funding in January 2022.

### 6.1 Pupil numbers

Weaverthorpe is a 3-11 Community Primary School and currently has 21 children on roll. The school is located in the Malton and Norton outer area, serving families living in the village of Weaverthorpe and surrounding area. The number of children at Weaverthorpe CE VC Primary School has been falling over the past few years:

2015/16 – 41

2016/17 – 43

2017/18 – 36

2018/19 – 41

2019/20 – 36

2020/21 – 26

2021/22 – 21 (plus 2 in Nursery)

6.2 At the start of the consultation there were 25 pupils on roll. As at 1 March there were 21 pupils on roll in the school. The school can accommodate up to 49 pupils if all spaces are in use and therefore has the potential to contribute 49 places in the local area. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further.

6.3 The current numbers in each year group at the school are:

As at 1 March	
Reception	0
Year 1	4
Year 2	2
Year 3	3
Year 4	1
Year 5	5
Year 6	6
<b>Total</b>	<b>21</b>

6.4 Therefore, with Year 6 being one of the larger year groups it is likely that September 2022 would see an overall reduction in the total pupil roll. There is currently one applicant who has stated Weaverthorpe School as their preferred school for Reception entry in

September 2022. In the event of closure this pupil could be accommodated at any of undersubscribed local schools.

6.5 As of October 2021 there were 32 Primary aged children who were living in the catchment area of Weaverthorpe School and attending a North Yorkshire School. Of those, 23 were attending Weaverthorpe and nine were attending elsewhere.

6.6 Finance

Pupil numbers determine the school budget. The critical concerns are Ofsted's Inadequate judgement, the DAO and the inability to find a sustainable leadership solution for the school, but the fall in pupil numbers has also undermined the school's future financial position.

6.7 Based on the start budget submitted in May 2021 the school had a budget surplus of £36.7k at the end of the 2020/21 financial year; the funding for the 2020/21 financial year was based on 39 pupils. However, the school were projecting in-year budget deficits of £48.8k in 2021/22 and £26.9k in 2022/23 and an overall cumulative budget deficit of £39k at the end of 2022/23. The budget projections were based on pupil assumptions of 25 in 2021/22 and 21 in 2022/23, so the position will deteriorate further if pupil numbers fall below that level.

6.8 In January 2022 it was confirmed that the school would receive additional sparsity funding from April 2022 of £10k p.a. as the result of an increase in the sparsity funding levels applied by central government.

6.9 Based on the revised budget, which takes account of this additional income and other changes, the school had a budget surplus of £36.7k at the end of the 2020/21 financial year; the funding for the 2020/21 financial year was based on 39 pupils. However, the school is projecting in-year budget deficits of £42.8k in 2021/22 and £12.5k in 2022/23 and an overall cumulative budget deficit of £18.6k at the end of 2022/23. The budget projections are based on pupil assumptions of 25 in 2021/22 and 22 in 2022/23, so the position will deteriorate further if pupil numbers fall below that level.

6.10 Both of these budget projections already reflect a notional reduction in staffing from 3.2 FTE to 2.5 FTE in September 2022.

6.11 School Leadership and Standards

The Ofsted inspection in January 2020 found Weaverthorpe Church of England VC Primary School to have serious weaknesses and to be 'Inadequate' overall. Significantly, leadership and management was judged to be Inadequate. The Quality of Education, Personal Development and Early Years provision were judged to require improvement; Behaviour and Attitudes were judged 'good'; safeguarding was not effective.

6.12 Weaverthorpe CE VC Primary School remains vulnerable as a stand-alone school due to the uncertain nature of leadership beyond the current temporary arrangements. The most recent substantive Headteacher left the school in the summer term of 2020. Following this, the Interim Executive Board (IEB), supported by the Local Authority, arranged for interim leadership to be provided by the headteacher of Langton Primary School. Due to the presence of the DAO, and the intention for academy sponsorship, the arrangement was initially established for a period of up to one year with an end date of the summer term 2021. Further, as a consequence of the DAO, and combined with the very low number of pupils entering the school, it is considered that the IEB is unlikely to be successful in any attempt to recruit a replacement substantive headteacher, especially of the calibre required to continue to drive the necessary improvements and at the pace required. Since a suitable sponsor had not been identified before the end of the summer term 2021, the Governing Body of Langton Primary School agreed to a one-

year extension to the interim leadership arrangements but have now confirmed that the temporary arrangement cannot continue beyond July 2022.

- 6.13 Therefore, Weaverthorpe Primary School will be without secure leadership, leaving any improvements in the quality of education that have already been achieved at further risk.
- 6.14 Ofsted's routine monitoring inspections were temporarily suspended during the earlier parts of the pandemic; however, Ofsted did undertake remote visits to school and noted in March 2021 that

*'Leaders and those responsible for governance are taking effective action to provide education in the current circumstances.'* This was typical of inspection visits at the time, where the range of evidence available to inspectors was narrower than would normally be the case during an on-site inspection, and so, the level of assurance provided was more limited. The interim Headteacher, the IEB and the Local Authority were praised for the work they had carried out in the school: the interim headteacher has *'responded well to the challenges [she has] faced since taking up post in September 2020.'* Furthermore, *'since its inception in September 2020, members of the IEB have focused intensively on securing improvement to the education on offer for pupils and the systems to keep them safe. Members of the IEB regularly visit the school so that they can be sure that leaders' actions are improving the school' and 'since the last inspection, the local authority has worked with leaders and the IEB to improve the school. They have provided stability in leadership by brokering the support of the current acting headteacher. They have also worked with the acting headteacher to prioritise the actions needed to improve the school.'*

Ofsted resumed their monitoring visits in the summer term 2021 and Weaverthorpe CE VC Primary School was inspected in June 2021. Inspectors concluded that *'Leaders and Managers are taking effective actions towards the removal of the serious weaknesses designation'*.

- 6.15 In the view of LA school improvement advisers and school leaders, despite the clear progress to date, the improvements in provision and specifically the quality of education, are not yet sufficiently well embedded to ensure all children, from their different starting points, achieve success. An additional temporary part-time leadership post (Assistant Headteacher) was added to the staffing structure in September 2021 to bring in extra capacity with a remit to improve curriculum planning which remained at the early stages of development. Leaders have planned and invested in resources to support the curriculum, but the impact of this is yet to be seen in outcomes for pupils. The school improvement service has placed the school in the highest category of support and a principal adviser undertakes regular monitoring, challenge and support activities working closely with the interim leadership and the IEB.

6.16 Breadth of Curriculum

At the time of the 'Inadequate' Ofsted judgement in January 2020 there were 40 pupils on roll (including nursery). As numbers have fallen since this judgement, the IEB and the Local Authority have become increasingly concerned that, in future, pupils will not have access to the full range of experiences they need, particularly opportunities for learning and playing with children their own age. Due to the forecasted financial position and the reduction in numbers, school leaders and governors may have to make further decisions relating to reducing the number of teaching groups and increasing in the mix of age ranges in each class. Leaders and governors are obligated to consider the impact on children's access to age-appropriate curriculum, particularly when the present curriculum offer struggles to meet current expectations.

6.17 Conclusion

The responses to the consultation process have failed to identify a viable alternative option that would secure the school's future. It appears unlikely that such an option could be identified in 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 and within a reasonable travel distance. It is therefore the view that there is a strong case for closure which outweighs other considerations.

## **7.0 PROPOSAL**

7.1 The proposal is to cease to maintain Weaverthorpe CE VC Primary School from 31 August 2022. It is proposed that in the event of closure the catchment area of Luttons Community Primary School is expanded from 1 September 2022 to include the current Weaverthorpe School catchment area. There is an area of Weaverthorpe's catchment area that is currently shared with Hertford Vale CE Primary School and it is proposed that area (Butterwick) remains part of Hertford Vale's catchment area. The full statutory proposal is set out in Appendix 1, Section A. This includes details about pupil numbers, alternative schools, impact on the community and travel implications.

7.2 The proposed timetable would be:

1 April 2022	Publication of Statutory Proposals
29 April 2022	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
31 May 2022	Final decision by Executive
31 August 2022	Proposed closure date

## **8.0 FINANCIAL IMPLICATIONS**

### **8.1 School revenue funding**

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 surplus revenue or capital balances would be made available to the receiving school(s) in line with the Closing School Accounting Policy.

### **8.2 Transport costs**

The estimated transport costs for a twelve seater vehicle to undertake the home to school transport journey between Weaverthorpe village and Luttons CP School is in the range of £30k - £38k per annum. A larger vehicle may see additional costs of approximately £50 per school day. The actual costs of the transport service would not be known until the number of children wishing to access transport on this route is confirmed, and NYCC Integrated Passenger Transport have subsequently secured an operator for the service.

## **9.0 LEGAL IMPLICATIONS**

9.1 The School Organisation regulations and guidance<sup>1</sup> cover the processes involved in school closures. Careful regard has been paid to these provisions.

9.2 The previous report to Executive Members highlighted the position relating to Weaverthorpe's Ofsted judgment of Inadequate. The report highlighted that should the Local Authority decide not to close the school, the Regional School's Commissioner (RSC) has powers to refer the matter to the Secretary of State. Members should be aware

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<sup>1</sup> 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).

that the statutory guidance on local authorities' and regional schools commissioners' responsibilities relating to schools causing concern was updated in September 2020. The new guidance sets out the powers of the Secretary of State to revoke an academy order:

*“Section 5D of the Academies Act 2010 enables the Secretary of State to revoke an academy order that was made because a maintained school is eligible for intervention. This power can be used at the discretion of the Secretary of State and it will only be used in exceptional circumstances and not just because a school’s Ofsted rating has improved. It is the Secretary of State’s view that schools in general should benefit from being part of an academy trust. In the Secretary of State’s view, transferring underperforming maintained schools to academy trusts is the most effective means of securing their rapid improvement. Ministers will make decisions on any revocations of academy orders. Examples of “exceptional circumstances” include where:*

- 1. The Secretary of State considers that the school would not be viable as an academy (in these cases, we would expect the local authority to close the school and the Secretary of State can direct them to do so if necessary)*
- 2. The school has been re-inspected by Ofsted and judged Good or Outstanding, and the Secretary of State is satisfied that the improvement can be sustained without the support of a strong sponsor. Ofsted’s findings will be one of a number of sources of information the Secretary of State will consider when deciding whether improvement can be sustained without the support of a strong sponsor*
- 3. The school was rated inadequate by Ofsted solely on safeguarding grounds having previously been judged Good or Outstanding, the school has reverted to its previous Ofsted rating and the Secretary of State is satisfied that the safeguarding concerns have been addressed and can be sustained without the support of a strong sponsor or Multi-Academy Trust.*

*The examples above are not exhaustive and the Secretary of State will consider each case on its individual merits, taking account of any reasons put forward by the governing body as to why revocation is in the best interests of the pupils served by the school. The Secretary of State will only consider revoking an academy order if the school’s governing body are in agreement and have requested to do so. In circumstances where the maintained school is not viable and the decision has been taken to revoke the academy order, then the local authority will be expected to close the maintained school following the statutory school closure process and if necessary, ministers may use the power to direct them to do so”<sup>2</sup>*

In this case the RSC has not moved to revoke the DAO as she is aware that this statutory closure process is underway.

9.3 As Weaverthorpe CE VC Primary School is designated as a rural school there are some particular considerations for the proposers of any closure. There is a presumption against the closure of rural schools. This does not mean rural schools should not close. It means that the ‘case for closure should be strong and the proposal must be clearly in the best interests of educational provision in the area’. Proposers must demonstrate that they have considered the following:

- 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

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<sup>2</sup> Schools causing concern Guidance for local authorities and Regional Schools Commissioners on how to work with schools to support improvements to educational performance, and on using their intervention powers (September 2020).

- Any potential increase to car use
- The impact on the community

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

## **10.0 HUMAN RIGHTS IMPLICATIONS**

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

## **11.0 OTHER IMPLICATIONS**

11.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached (Appendix 7).

## **12.0 NEXT STEPS**

12.1 It is proposed to publish proposals and statutory notices on 1 April 2022. 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 entrances to the school. These would provide four weeks for representations to be made to the Local Authority, by 29 April.

12.2 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 31 May 2022.

## **13.0 RECOMMENDATIONS**

- 13.1 Executive Members are asked to recommend to the Chief Executive Officer that using his emergency delegated powers he approve that;
- i) Statutory proposals and notices be published on 1 April proposing to cease to maintain Weaverthorpe CE VC Primary School with effect from 31 August 2022.
  - ii) The proposals include that from 1 September 2022 the catchment area of Luttons Community Primary School is expanded to include the current Weaverthorpe School catchment area. There is an area of Weaverthorpe's catchment area that is currently shared with Hertford Vale CE Primary School and it is proposed that area (Butterwick) remains part of Hertford Vale's catchment area.
  - iii) A final decision on these proposals be scheduled for the Executive on 31 May 2022.

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

Report prepared by Matt George, Strategic Planning Team

List of Appendices

Appendix 1: Full draft statutory proposals  
Appendix 2: Consultation Paper  
Appendix 3: List of the Consultees  
Appendix 4: Notes of the Public Meeting  
Appendix 5: Consultation Responses  
Appendix 6: Frequently Asked Questions  
Appendix 7: Equality Impact Assessment