

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

21 JUNE 2022

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

1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to determine the proposal to cease to maintain Weaverthorpe Church of England Voluntary Controlled Primary School with effect from 31 August 2022, together with the future arrangements for the School's current catchment area.

2 EXECUTIVE SUMMARY

- 2.1 On 15 March 2022 the Executive approved the publication of statutory proposals to close Weaverthorpe CE VC Primary School with effect from 31 August 2022.
- 2.2 This followed careful consideration of the responses to public consultation carried out by the Children and Young People's Service.
- 2.3 The statutory proposals were published on 1 April 2022, giving 4 weeks until 29 April 2022 for representations to be made.
- 2.4 This report is supported by a number of Appendices as listed below:

Appendix A Statutory Proposal for school closure

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

Appendix C Responses to the Statutory Notice and DfE reply

Appendix D School Organisation Guidance for Decision-makers

Appendix E Climate Change Impact Assessment

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for closing a maintained school. These are detailed in School Organisation regulations and guidance¹. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local

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

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

4 PROPOSALS

4.1 North Yorkshire County Council proposes:

To cease to maintain Weaverthorpe CE VC Primary School with effect from 31 August 2022.

To expand the catchment area of Luttons Community Primary School to include the current Weaverthorpe School catchment area; with the exception of the current joint catchment area of Weaverthorpe and Hertford Vale CE Primary Schools (serving Butterwick), which will remain part of Hertford Vale's catchment area.

5 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses to the consultation are included in Appendix A.

5.2 On 15 March 2022, the Executive considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

6 STATUTORY PROPOSALS AND NOTICES

6.1 The statutory proposals and public notices were published on 1 April 2022. The public notice, placed on the school gates and in the Ryedale Gazette and Herald newspaper, invited written objections or comments to be submitted by 29 April 2022. A copy of the notice is attached as Appendix B. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's website. A copy of the proposal can be found at Appendix A.

6.2 Following the publication of the Statutory Notices, one response was received by the end of the notice period on 29 April 2022. A copy of this response can be found at Appendix C.

7 ISSUES RAISED IN RESPONSE TO STATUTORY NOTICES

7.1 The one response that was received to the statutory proposal was from Weaverthorpe Parish Council. This was in the form of a letter to the Secretary of State for Education and clearly constituted an objection to the proposal. The letter set out a number of concerns that the Parish Council had with the proposal, both in principle and with the procedure. These are set out and discussed below.

7.2 Standards of education

The Parish Council stated in their response that *'It is recognised in the meetings of the Interim Executive Board that standards have improved since the Ofsted report in 2020, but Ofsted cannot carry out a further inspection because of the fact that the Academisation Order is in place.'* Although they do not expand further on this point, the implication appears to be that the Academy Order has prevented the progress made since the last inspection to be recognised.

Local Authority Officers' Response

Ofsted continues to inspect schools that have a Directive Academy Order (DAO) in place, although 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 Regional Schools Commissioner (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 efforts are currently focused on securing the quality of education at Weaverthorpe School, 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.

7.3 Alternatives to Closure

The Parish Council's response highlighted that they believed that other options had not been considered or pursued throughout the closure process. In particular they reiterated the view previously expressed in the consultation process, that Norton College could have formed a Multi Academy Trust including Weaverthorpe School. The Parish Council stated that the Local Authority had refused this option on the grounds of Norton College not being a faith school.

Local Authority Officers' Response

The Local Authority commenced consultation on the closure of Weaverthorpe School only once it appeared that all other options had been exhausted. It was considered that the LA, Diocese and Interim Executive Board (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 a closure proposal would not have been made. Similarly, if a partnership with a maintained school had been identified that would have provided sustainable leadership and this had been accepted by the RSC, then a closure proposal would not have been necessary.

It is the responsibility of the RSC to identify any potential academy sponsors for the school. The RSC has advised the Local Authority that Evolution School Learning Trust (Norton College) 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.

The choice of potential multi academy trust sponsors is managed by the RSC's office and they will have looked at possible options for trusts taking account of Weaverthorpe being a Church of England school.

7.4 Pupil numbers

The Parish Council expressed concern that in the future the number of pupils attending could be higher due to changes in demographics locally.

Local Authority Officers' Response

At present there is a surplus of 70 primary school places across Weaverthorpe and its four neighbouring primary schools. If Weaverthorpe School were to close and all the school's pupils were to attend one of those other 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 been allocated to other schools in line with parental preference.

The current position for Reception entry in September 2022 is that none of the local schools (Luttons Primary, Sherburn CE Primary, Hertford Vale CE Primary) are oversubscribed and collectively they will have surplus places available in the Reception year. Luttons have been allocated 8 pupils against their Published Admission Number (PAN) of 8. This includes the provisional allocation of one pupil for whom Weaverthorpe is the first preference should the school remain open. Sherburn CE has been allocated 6 pupils against a PAN of 8, and Hertford Vale have been allocated 14 against a PAN of 18.

7.5 Home to School Transport

The Parish Council stated that the closure of the school should not be implemented for two reasons related to transport: firstly the distance for pupils and parents to walk to alternative schools and secondly because the cost of the paid transport is higher than the current school budget deficit at Weaverthorpe. The Parish Council regarded the proposed walking route as unsuitable and a long distance twice a day for pupils and four times a day for parents in all weathers.

Local Authority 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.

The potential transport costs are set out at paragraph 8.2 below. The point about transport costs compared to school deficits is understood, and has been made previously in other cases of school closure. The Local Authority has a statutory responsibility to provide home to school transport in accordance with the DfE guidelines and must meet the additional costs that arise from school organisational changes. However, DfE requirements make it clear that the Authority's Home to School Transport budget, or any other non-school budgets, cannot be used to support the revenue budget position of schools. Individual schools must be viable based on their income derived from the local funding formula, which is mainly driven by the number of pupils on roll.

8 FINANCIAL IMPLICATIONS

8.1 As set out in the report to Executive dated 15 March, any annual savings to the Dedicated Schools Grant arising from the closure, if approved, would remain within the ring-fenced Dedicated Schools Grant as part of the funding for all schools. Any surplus revenue or capital balances would be made available to the receiving school(s) in line with the Closing School Accounting Policy.

8.2 If the school closed, 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 LEGAL IMPLICATIONS

REGULATIONS AND GUIDANCE

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

PRELIMINARY CHECKS

9.2 The Decision Maker must consider, on receipt of each proposal:

- whether any information is missing;

² See footnote 1.

- whether the published notice of the proposal complies with statutory requirements;
- whether the statutory consultation has been carried out prior to the publication of the notice;
- and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive or Executive Members to proceed to determine this proposal.

TYPES OF DECISION THAT CAN BE MADE

- 9.3 In considering proposals for a school closure, the Executive (or the Executive Member for Schools, if there are no objections received during the representation period), as Decision Makers can decide to:
- reject the proposals;
 - approve the proposals;
 - approve the proposals with a modification;
 - approve the proposals subject to them meeting a specific condition.

10 PROCEDURE FOR THE MEETING

- 10.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:
- (a) The decision maker must have regard to the Decision Makers' Guidance and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.
- (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

11 REASONS FOR THE RECOMMENDATION.

- 11.1 The report to the Executive dated 15 March set out the key concerns. The latest position on these issues is summarised below.

PUPIL NUMBERS

- 11.2 The number of children at Weavertorpe CE VC Primary School has been falling over the past few years. At the start of the consultation there were 25 pupils on roll, and as at 10 June 2022 there were 15 pupils on roll in the school, plus 2 in the school nursery. 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.

Year 6 is one of the larger year groups with 6 pupils, so 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 the undersubscribed local schools.

FINANCE

- 11.3 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.

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.

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

SCHOOL LEADERSHIP AND STANDARDS

- 11.4 The Ofsted inspection in January 2020 found Weaverthorpe Church of England VC Primary School to have serious weaknesses and to be Inadequate overall.
- 11.5 Weaverthorpe CE VC Primary School remains vulnerable as a stand-alone school due to the uncertain nature of leadership beyond the current temporary arrangements.

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'*.

- 11.6 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.

Breadth of Curriculum

- 11.7 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.

12 HUMAN RIGHTS IMPLICATIONS

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

13.0 OTHER IMPLICATIONS

- 13.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached as part of Appendix A. The assessment concluded that *'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 the proposal to close Weaverthorpe School needs to be considered. Whilst it is recognised that there may be adverse impact upon those with protected characteristics of age and religion/belief, there are more positive impacts that will result if these proposals are implemented.'*
- 13.2 A Climate Change Impact Assessment has been undertaken in respect of this proposal and is attached as Appendix E. The assessment concluded that *'This proposal has positive and negative environmental impacts. The positive impacts will be a reduction in energy usage associated with a whole establishment and site ceasing to be used. This would include likely reductions in heating, lighting and water usage. However, there is likely to be a negative impact associated with some increased use of vehicles to*

transport the pupils to and from school. Ultimately, there is an overriding consideration in this proposal to provide the best outcome for the Education of children in the local area and no other educationally sustainable option has been identified.

14 RECOMMENDATIONS

14.1 Having undertaken the required preliminary checks, the Executive are asked to agree that:

(a) The issues listed above in section 9 have been satisfied and there can be a determination of the proposals.

(b) The following proposals be determined:

i) To cease to maintain Weaverthorpe CE VC Primary School with effect from 31 August 2022.

ii) To expand the catchment area of Luttons Community Primary School from 1 September 2022, to include the current Weaverthorpe School catchment area; with the exception of the current joint catchment area of Weaverthorpe and Hertford Vale CE Primary Schools (serving Butterwick), which will remain part of Hertford Vale's catchment area.

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

Report prepared by Matt George, Strategic Planning Team.

List of Appendices:

- Appendix A: Statutory Proposal for school closure
- Appendix B: Public Notice in accordance with section 15(1) of the Education and Inspections Act 2006
- Appendix C: Responses to the Statutory Notice and DfE reply
- Appendix D: School Organisation Guidance for Decision-makers
- Appendix E: Climate Change Impact Assessment

Background documents

Report, Executive, 15 March 2022

Report, Corporate Director's meeting with Executive Members, 7 December 2021