

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

19 July 2022

PROPOSAL TO CLOSE WOODFIELD COMMUNITY PRIMARY SCHOOL, HARROGATE

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 North Yorkshire County Council on a proposal to close Woodfield Community Primary Schools in Harrogate from 31 December 2022. It asks the Executive to consider the responses to the consultation, to authorise the publication of statutory proposals, and to schedule taking a final decision on the proposals on 18 October 2022.

2.0 EXECUTIVE SUMMARY

2.1 On 24 May 2022 the Executive Member for Education, Learning and Skills gave approval for consultation on proposals to close Woodfield Community Primary School in Harrogate.

2.2 The consultation commenced on 6 June 2022 and closed on 4 July 2022. This report details the responses to the consultation and asks the Executive to consider authorising the publication of proposals and statutory notices, and to schedule taking a final decision on the proposals on 18 October 2022.

2.3 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 documents
- Appendix 3: List of consultees
- Appendix 4: Frequently Asked Questions
- Appendix 5: Notes of the public consultation meeting
- Appendix 6: Consultation responses
- Appendix 7: Equality Impact Assessment
- Appendix 8: Climate Change Impact Assessment
- Appendix 9: Communication regarding preference exercise

3.0 BACKGROUND AND CONSULTATION UNDERTAKEN

3.1 Woodfield Community Primary School was inspected by Ofsted in January 2020, who found the overall effectiveness to be inadequate and the school became subject to special measures. Any maintained school that is judged inadequate by Ofsted is required to become a sponsored academy. The Regional Schools Commissioner has been unable to secure an Academy Trust to sponsor Woodfield School due to viability concerns. Where a school would not be viable as an academy, it is expected the local authority will close the school and that the Secretary of State can direct them to do so if necessary.

- 3.2 Since January 2020, there have been considerable changes in staffing at Woodfield School. Ofsted made a second monitoring visit to Woodfield School in November 2021. This repeated the judgement made in an earlier monitoring visit in June 2021 that that school leaders and those responsible for governance were taking effective action towards the removal of special measures. However, the current leadership arrangements can only be temporary and the absence of an academy sponsor means that Woodfield School faces an uncertain future.
- 3.3 The Governing Bodies of Woodfield Community Primary and Grove Road Community Primary explored with LA officers combining the two schools in order to share the benefits of both school sites. The move would have meant that Woodfield School would technically close and become part of Grove Road from September 2022. An extensive consultation process was undertaken involving public meetings and gathering the views of parents and the local community during December and January. After careful consideration Grove Road Community Primary School decided in March, with regret, to withdraw its support for the amalgamation. In light of this, the County Council's Executive decided to reject the amalgamation proposal at its meeting on 19 April 2022.
- 3.4 Following this, the Governing Body of Woodfield Community Primary School has looked again at what options are available for the school, and concluded that they have now exhausted all options. They have therefore had to request that the County Council undertake a consultation on a proposal that the school should close.

4 CONSULTATION UNDERTAKEN AND ANALYSIS OF RESPONSES

- 4.1 The decision to consult on the proposal was taken by the Executive Member for Education, Learning and Skills on 24 May 2022.
- 4.2 Consultation documents, including a map of school catchment areas and pupil forecasts (Appendix 2) were distributed to the lists of consultees (Appendix 3) and displayed on the County Council's website. A Frequently Asked Questions Document (Appendix 4) was also circulated to parents and posted on the County Council's website. The consultation period ran from 6 June to 4 July 2022.
- 4.3 A public meeting was held on 15 June 2022 attended by approximately 21 people. A record of the meeting is attached as Appendix 5.
- 4.4 By the closing date, 87 consultation responses had been received, including 11 from parents with children at the School. Four other schools responded, and there were responses from two local councillors. The majority of respondents identified as having a community or other interest. The responses are shown in full in Appendix 6.
- 4.5 The following section of the report summarises the main issues and concerns raised by those who responded to the consultation by completing an online response form, submitting a written response, or raising an issue in the consultation meeting.

5 ISSUES RAISED AND RESPONSES

The Woodfield School site

- 5.1 Consultees highlighted the benefits of the Woodfield school site that other schools in the area lack, including outdoor areas with opportunities for outdoor learning, location on a relatively quiet road, well-connected by sustainable transport, with ease of access from Bilton and level access inside the school. They suggested that the school site could include a Forest School, wildlife area, be used for biology, environmental and conservation education, provide an allotment for children, and involve environmental organisations and local community groups. It was felt that the closure of the school would be a loss to the Woodfield community.
- 5.2 Consultees also made suggestions for the future use of the site if the school closed, and raised concerns that library and other services on the site could be lost. There were also concerns that the site could be redeveloped for housing.

County Council Officers' Response:

- 5.3 The proposal to amalgamate Grove Road and Woodfield Schools recognised the value of the Woodfield site for educational purposes, unfortunately this proposal was unable to proceed, so the closure of Woodfield School now has to be considered. The benefits of the site have not been sufficient to outweigh the viability concerns of potential academy trusts in the search to find an academy trust to sponsor the school.
- 5.4 The County Council owns the school site, which also accommodates Bilton and Woodfield Community Library, Harrogate Bilton Children and Family Hub, and Oak Beck House. Decisions about the future use of the school premises would be taken after any closure decision, and this is not a factor behind the closure proposals. Any decision about the future use of the site is supplementary to the key decision about whether the school should close.

Sufficiency of school places

- 5.5 Consultees described pressures on the capacities of existing schools, with additional housing under construction or planned, and families moving into the area, including from overseas. Some thought that local schools were oversubscribed, or that class sizes in alternative schools were already too large. It was suggested that pupil numbers at other schools should be capped to allow Woodfield School to grow, or catchment areas reconfigured to keep Woodfield School open. Concerns were also raised about finding alternative places for children currently at Woodfield School. A consultee thought that the school provided an important service for pupils with special educational needs who might struggle in a larger school environment.

In response to the consultation St Robert's Catholic Primary School (0.6 miles walk from Woodfield School) said they had places available and welcomed children of all faiths and backgrounds. St Joseph's Catholic Primary School (0.8 miles walk from Woodfield School) said they could offer places in some of their classes for September 2022.

County Council Officers' Response:

- 5.6 Nationally, the nursery and primary school population is beginning to fall and by 2030 is forecast to be 10% smaller than it was in 2020. Data from both the Office of National Statistics and NHS GP registrations shows that the birth rate in the local area is falling too, and there are lower numbers of pre-school children than those currently of primary school age. Pupils moving into new housing are largely mitigated by the falling birth rate. There is capacity within other schools in the local area, although not in every year group in every school.
- 5.7 The majority of schools in the local area are academies. Local Authorities do not control the number of places in academies, and cannot compel academies to expand, contract or close. Catchment areas only operate in the event of a school being oversubscribed. Woodfield School already serves a large catchment area but the majority of children living in its catchment area do not attend the school.
- 5.8 For parents of pupils currently at Woodfield School, the County Council is undertaking a managed and co-ordinated preference exercise to assist parents/carers with consideration of alternative schools. Through this exercise parents/carers have been asked to apply for the preferred school(s) that they would like their child to transfer to in the event of school closure, or earlier should that be their wish. The full picture of all preferences is now known and the Council is currently contacting other schools regarding potential allocations, seeking to meet the highest stated preferences wherever possible. The full outcome position of the preference exercise is not yet known at the time of writing, and therefore a verbal update will be provided to Executive on 19 July. Any parent who is declined a place has the right to a statutory admissions appeal. Other schools would work closely with parents, as Woodfield Schools does now, to meet the needs of individual children, ensure early identification of their needs, and provide appropriate support in school and with partner agencies and services as required.

Woodfield School: leadership and management

- 5.9 Consultees said that the school has made massive improvements and should be given the opportunity to continue to improve and grow; it should not be closed on the basis that the improvement cannot be seen as sustainable because of the temporary leadership in place. Some proposed getting a new team in, or a complete rebrand, rename, redesign, and rebuild of Woodfield School. More marketing and advertising and promotion of the school by the local authority was also advocated. It was suggested that if an academy can't be found to run the school, the local authority should do it. Some responses felt that the local authority had provided little support for the school, particularly went it had experienced previous issues and insufficient effort had been made to support and improve the school. Others acknowledged the support of the local authority and Priestley Academy. It was said that an unfounded accusation on social media had led to a large exit of pupils, which had cost the school financially, and the school did not get enough support to recover from this reputational damage. The school had made now significant achievements and had an updated curriculum that was second to none.

County Council Officers' Response:

- 5.10 The improvements that the school has made since the Ofsted judgement have been recognised by Ofsted in subsequent monitoring visits, and these should not be downplayed. However, unless the directive academy order is removed, or an academy sponsor can be found, government legislation requires the school to close.
- 5.11 An academy sponsor would have offered the opportunity for a rebranding but unfortunately no academy sponsor has been found to take on Woodfield school. Woodfield School received significant capital investment from the County Council to remodel and refurbish the school building in 2013-14, the premises are currently in good repair, and there is no funding currently available for a rebuilding of the school.
- 5.12 The government does not permit local authorities to run schools like Woodfield that have Directive Academy Orders (DAOs). The DfE have 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 DfE whether or not to agree to a revocation of the DAO, and this is never guaranteed.
- 5.13 The County Council has worked closely with the Governing Body of Woodfield to explore options to retain education provision in the Woodfield community. The only solution appeared to be an amalgamation with Grove Road, which was fully supported by the County Council but unfortunately, this has not been possible. The responsibility for finding an academy sponsor as required by the Directive Academy Order rests with the Regional Schools Commissioner and they have been unable to secure a Multi Academy trust to sponsor the school.

Impact on the community

- 5.14 It was stated that Woodfield is in a comparatively deprived area with higher child poverty and in a densely populated area where a school was needed, and it was felt that the lack of a school would discourage young people from moving to the area. It was felt that there is a stark difference between the prosperity of schools in Harrogate.

County Council Officers' Response:

- 5.15 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. Funding for schools is determined nationally and driven largely by pupil numbers.

Future catchment area arrangements and travel

- 5.16 Consultees suggested that should the school close, the existing Woodfield School catchment area should be split so as not to put either Bilton Grange or Grove Road School at risk of oversubscription. Some argued that the closure of Woodfield will mean that more children will travel to school by car as other schools are further away from Woodfield increasing pollution; children deserve to have access to local schools they can walk to and feel part of the community.

The Governing Body of Bilton Grange requested that there is some form of shared or split arrangement involving both Grove Road and Bilton Grange Schools. The Governing Body of Grove Road School felt that splitting the current catchment area between Bilton Grange and themselves would be the fairest option.

County Council Officers' Response:

- 5.17 Should the proposal proceed, officers will meet with the Chairs of Governors and Headteachers of Bilton Grange and Grove Road Schools to discuss potential future catchment area arrangements in the event that Woodfield School closes. The outcome of these discussions would then inform the specific catchment area proposals to be consulted on in the formal representation period.
- 5.18 The choice of whether or not to travel to school by car is down to parental preference. For schools located within walking distance some parents may choose to drive their children to school each day. Many schools operate travel plans which encourage low carbon transport options such as walking and cycling. All addresses within the Woodfield School catchment area would still be within the statutory walking distance to either Grove Road or Bilton Grange School.

Other matters

- 5.19 A response was received from the Headteacher at St Joseph's Catholic Primary School that they did not receive the consultation documents/email. This was, however, sent to the school's contact email address on the opening day of the consultation and resent on 10 June.

6.0 KEY ISSUES

- 6.1 The consultation document set out the key concerns as stated in the report to Executive Member for Educations and Skills dated 24 May 2022. The latest position on these issues is summarised below.

Pupil numbers

- 6.2 Current pupil numbers are 36 in the main school, comprising 4 pupils in Reception, 1 in Year 1, 5 in Year 2, 2 in Year 3, 8 in Year 4, 4 in Year 5, 12 in Year 6. There are also 9 nursery-aged children. With Year 6 being the largest year group it is likely that September 2022 will see another fall in the total pupil roll. There are currently 4 applicants who have Woodfield as their preferred school for Reception entry in September 2022.

Finance

- 6.3 Pupil numbers determine the level of funding that a school receives. Based on the 2022/23 Start Budget submitted, Woodfield School had an in-year budget deficit of £66.0k in the financial year 2021/22; in-year deficits are forecast of £52.4k in 2022/23, £64.9k in 2023/24 and £72k in 2024/25. The school had a cumulative budget deficit of £44.9k at the end of the 2021/22 financial year; the accumulated budget deficit is forecast to increase to £97.4k for 2022/23, £162.3k for 2023/24 and £234.2k for 2024/25. These figures are based on a projected pupil number of 42 in October 2022 and 43 in October 2023, so the position is now expected to be worse.

School Leadership and Standards

- 6.4 The current leadership support from Priestley Academy Trust is only temporary. Leadership and staffing arrangements for September will be communicated to parents as soon as they are finalised.
- 6.5 Ofsted continue to monitor the school, following their previous monitoring inspections described above in paragraph 3.2.

7.0 PROPOSALS

- 7.1 The proposal is to close Woodfield Community Primary School from 31 December 2022. The draft statutory notice and statutory proposals are set out in Appendix 1.
- 7.2 The proposed timetable would be:

8 September 2022	Publication of Statutory Proposals
6 October 2022	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
18 October 2022	Final decision by Executive
31 December 2022	Proposed closure of Woodfield Community Primary School.

8.0 FINANCIAL IMPLICATIONS

8.1 School revenue and capital funding

Should Woodfield School close from 31 December 2022, any deficit on the Woodfield School budget on that date would be absorbed by the County Council. 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

If the school closed, there could be a potential additional cost to the Local Authority in providing transport to other schools. All addresses within the Woodfield School catchment area would, however, still be within the statutory walking distance to either Grove Road or Bilton Grange School. 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.

9.0 LEGAL IMPLICATIONS

- 9.1 The Education and Inspections Act and School Organisation regulations and guidance¹ apply to the processes involved in publishing proposals. Careful regard has been had to these provisions. The proposals are in accordance with the statutory requirements.

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

- 9.2 The previous report to Executive Members highlighted the position relating to Woodfield’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 that the statutory guidance on local authorities’ and regional schools commissioners’ responsibilities relating to schools causing concern was updated in March 2022. 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); or*
- 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; or*
- 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 at the request of the school’s governing body, except where the school would in the Secretary of State’s view not be viable as an academy, and the local authority asks for the order to be revoked so that the school can be closed. In these circumstances 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.”²

Revocation on the grounds of closure would not happen until there was a determination of the statutory proposal to close.

² DfE, 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 (March 2022).

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 and Climate Change Impact Assessment have been undertaken in respect of these proposals and are attached (Appendix 7 and 8).

12.0 NEXT STEPS

12.1 It is proposed to publish proposals and the statutory notice on 8 September 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 schools. These would provide four weeks for representations to be made to the Local Authority, by 6 October 2022.

12.2 The Executive agreed a model for decision-making on school organisation proposals on 25 September 2022. If approval is given to publish statutory proposals and notices, it is proposed that a final decision on these proposals is taken on 18 October 2022 by the Executive, or if there are no objections to the statutory proposals, by the Executive Member for Education and Skills.

13.0 RECOMMENDATIONS

13.1 That statutory proposals and a statutory notice be published on 8 September 2022 proposing to close Woodfield Community Primary School from 31 December 2022. The proposals would include that from 1 January 2023 the catchment area of Bilton Grange and Grove Road Primary Schools are expanded in some form to cover the current Woodfield School catchment area.

13.2 That the Executive schedule taking a final decision on these proposals on 18 October 2022.

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List of Appendices

- Appendix 1: Full draft statutory proposals and draft statutory notice
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Background documents

Closure proposal:

Report to CYPs Executive Members (consultation approval) 24 May 2022

Earlier amalgamation proposal:

Report to Executive 19 April 2022

Report to Executive 22 February 2022

Report to CYPs Executive Members 23 November 2021