

APPENDIX 7A

Statutory proposals for school closures

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

Contact details

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

Hovingham Church of England Voluntary Controlled Primary School, Hovingham, York, North Yorkshire, YO62 4LF from 31 March 2023.

Hovingham Church of England Voluntary Controlled Primary School is a 3-11 Church of England Voluntary Controlled primary school in North Yorkshire.

Implementation

It is proposed to close the school from 31 March 2023.

Reason for closure

The main factor prompting the request is there are currently no pupils on roll at Hovingham. The School has operated with 40 pupils or below for the last decade. Since the 2017/18 academic year there has been a downward trend of pupil numbers and pupils numbers fell from 33 in May 2020 to 24 in May 2021. This trend accelerated across the 2021/22 academic year with the school having 20 pupils on roll in October, 16 in January and only 7 in May 2022 (all of whom were in key stage 2). Between May 2022 and the start of the new term in September 2022 all remaining pupils departed and no new starters commenced the term in September.

Finance is also a key concern. The pupil numbers for the October 2022 census form the basis of a schools' funding for the 2023/24 financial year. The Department for Education (DfE) have confirmed that where a school has no pupils in the October census they will not allocate any funding for that school in the schools block element of Dedicated School Grant (DSG) funding that a local authority receives to fund schools and academies located within the local authority area.

In the event of the school remaining open, the local authority would need to determine whether the school should continue to be funded through the school funding formula. If this were agreed, the school would receive the formula lump sum funding (2023/24 indicative value £128k) and the school rates funding (£2.5k). Any 2023/24 formula funding allocation for Hovingham CE Primary would need to be funded from the DSG funding allocations provided for other schools and academies within North Yorkshire.

If the school closure were to go ahead, the individual school budgets would need to be separated out from the current amalgamated Federation budget. Initial work has been undertaken on this process; the indicative position as at 31 March 2022 is a cumulative revenue budget deficit of £5.2k for Hovingham CE Primary School. Work is currently being undertaken with the Federation leadership on forecasting the budget position to the end of the current financial year.

In addition, the permanent Headteacher post became vacant on 31 August 2022 and from September 2022 temporary leadership has been in place. This has been provided by the Executive Headteacher of Foston, Terrington and Stillington schools during autumn term 2022, and by the Ryedale Learning Trust from January 2023. These arrangements cover both Hovingham School and St Hilda's CE VC Primary School in Ampleforth. The Federation Governing Body will require clarity over the future of Hovingham School to allow them to make permanent arrangements for future leadership at St Hilda's Ampleforth.

Pupil numbers and admissions

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

There are currently 0 pupils on roll at the school.

The school's age range is 3-11 years, and provision is available for boys and girls.

There is no boarding provision. Information on special educational needs of pupils is not provided as this would contravene the Data Protection Act.

Displaced pupils

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

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

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

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

- a) No interim arrangements have been necessary

There are currently no pupils on roll at Hovingham CE so there will be no immediate requirement to assist parents with seeking alternative places in the event of closure. However, it is important to ensure that there are sufficient school places in the local area. In October 2022 there were 33 pupils living in Hovingham's discrete catchment area and attending a North Yorkshire school, and a further 11 living in the catchment

area that Hovingham shares with St Hilda's. These pupils currently attend a total of twelve North Yorkshire schools with the largest numbers attending Slingsby CP, St Benedict's RC and Helmsley CP.

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

Impact on the community

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

In some communities the school is the only meeting space. Hovingham has a Village Hall with hall, kitchen, toilets and a small meeting room. A hearing loop, PA system, large screen and Wifi are available. The existing school facilities are not currently used by the community.

The Hovingham school buildings and playground are not owned by the County Council. Any decisions about the future of the site and buildings would be a decision for the school's owners.

Whilst the impact on the wider economic and social sustainability of the community is an important consideration, the key consideration is to determine whether the proposal is in the best interests of children's education.

Rural primary schools

Where proposals relate to a rural primary school designated as such by an order made for the purposes of Section 15 (Education and Inspections Act 2006 (EIA)), a statement that the local authority or the governing body (as the case may be) considered Section 15(4) EIA.

Hovingham CE VC is designated as a rural school under the Designation of Rural Primary Schools (England) Order. The School Organisation regulations and guidance contain a presumption against closure of rural schools, and it is a requirement that proposers must consider the effect of the discontinuance of any rural primary school on the local community. The statutory guidance specifically states that 'This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.' The guidance states that when producing a proposal, the proposer must carefully consider:

- the likely effect of the closure of the school on the local community;
- the proportion of pupils attending the school from within the local community i.e. is the school being used by the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;

- the availability, and likely cost to the LA, of transport to other schools;
- whether the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term);
- any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase; and
- any alternatives to the closure of the school.

These are examined in turn below.

The likely effect of closure of the school on the local community

Please see the section above 'Impact on the Community'

The proportion of pupils attending the school from within the local community i.e. is the school being used by the local community

As of October 2022 there were 44 Primary aged children who were living in the catchment area of Hovingham School and attending a North Yorkshire School. None of those pupils were on roll at Hovingham but rather attended a total of twelve North Yorkshire schools with the largest numbers attending Slingsby CP, St Benedict's RC and Helmsley CP.

The availability, and likely cost to the LA, of transport to other schools

If the school closed, there would be a potential additional cost to the Local Authority in providing transport to other schools. Free home to school transport would be provided for entitled pupils within the enlarged catchment areas in accordance with the County Council's Home to School Transport policy. The County Council's Home to School transport policy sets out that free school transport will be provided to the catchment school or nearest school to a child's home address if it is over the statutory walking distances set out by law. This is:

- Two miles for children under eight years of age;
- Three miles for children aged over eight; or
- where the route to the catchment or nearest school is not safe to walk accompanied by a responsible adult.

If the nearest catchment or nearest school is full, transport will be provided, in accordance with the authority's transport policy, to the nearest school with places available.

Children from low income families (children entitled to free school meals or whose parent are in receipt of the maximum level of Working Tax Credit) have additional eligibility criteria for additional home to school transport and details are available on the County Council's website at <http://www.northyorks.gov.uk/article/26071/School---travel-support>

Whether the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term)

The view of the Local Authority is that there are sufficient places in the local area which can accommodate displaced pupils.

There are four other neighbouring primary schools within c.7 miles of Hovingham CE VC Primary School (listed in Appendix 1). Across the area there are places available in all year groups at various schools (Appendix 1).

The nearest school to Hovingham is Slingsby CP which is currently operating over their net capacity of 77. Their facilities offer some ability to operate over net capacity but limits them from having a planned admission number higher than 11.

Although Slingsby has typically been oversubscribed in recent years this is predominantly due to local popularity rather than an 'in area' need for places. In October 2021 there were 94 pupils on roll at Slingsby. However, only 28 of these were pupils living within the Slingsby catchment area. The rest of the breakdown of pupils attending Slingsby School at that time is included as Appendix 1. Significant numbers of pupils currently attend Slingsby from the catchment areas of Nawton CP, Amotherby CP and St Hilda's CE.

At October 2021 there were 48 children of primary school age registered with a GP practice where their home address was recorded as being within Slingsby's catchment area. However, only 39 of these pupils attended state schools in North Yorkshire. A number of pupils locally attend Independent schools. Therefore, the data clearly shows that Slingsby School is a significant 'net importer' of pupils due to popularity and does have sufficient capacity to accommodate children from its own catchment area.

If Hovingham were to close and Slingsby were to experience more 'in area' demand for places from an enlarged catchment area then applicants from that catchment area would receive priority for Reception places at the expense of 'out area' applicants. For example, in Reception during October 2021, five of the 11 pupils were attending from outside the catchment area and going forward with an enlarged catchment area we would expect that proportion could reduce.

There is currently capacity in all year groups at Terrington CE VA Primary School, which is the next nearest school. There are also places available in all year groups at St Hilda's CE Primary School. Both of these schools have adjacent catchment areas to that of Hovingham CE Primary School and a Church of England designation.

It is proposed that from 1 April 2023 the parishes of Gilling East, Grimstone, Cawton and the smaller part of Coulton parish which currently form a part of a shared catchment area between Hovingham CE and St Hilda's CE will remain part of the St Hilda's CE catchment area. The parish of Stonegrave which was part of the discrete

catchment area for Hovingham CE would also become part of the St Hilda's CE catchment area. The parish of Scackleton and the larger part of the parish of Coulton which were part of Hovingham's discrete catchment area will become part of the catchment area for Terrington CE VA Primary School. The parish of Fryton and the larger part of Hovingham Parish which formed part of the Hovingham catchment area will become part of the catchment area for Slingsby Community Primary School.

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

Any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase

It is not considered that there would be significant additional car use given that at present all the pupils living within the Hovingham catchment area are attending other schools and the vast majority of these will be travelling by car.

Any alternatives to the closure of the school

The Ryedale Learning Trust came forward during the consultation process to offer support to the Governors at St Hilda's and Hovingham Schools. The trust is providing leadership of the schools from January 2023 and have given both schools Associate Membership of their trust. The trust wants to bring both Hovingham and St Hilda's into their Multi Academy Trust and believes it could support both schools to become 'schools of choice' in the area. Their response to the consultation (Appendix 5) sets out the offer they would seek to provide at Hovingham from September 2023. Their response, whilst very positive about the impact they feel they could make, notes that at present they have some interest in Nursery places at Hovingham from September 2023 but none for Reception. They also acknowledge that their proposal will not be feasible without transitional funding.

The DfE have confirmed that if the local authority were to fund the school, then only the lump sum and rates should be allocated. The school would not be eligible for sparsity funding as there are no pupils so the school could not meet the eligibility criteria.

It is the view of Local Authority Officers that Schools Forum would not approve expenditure on a school with no pupils. The LA would have to publicly state this is its formal position, and then seek approval from the Secretary of State to override the School Forum's decision.

It is also the case that any request for funding for one school to remain open may have consequences/ considerations for other cases of potential school closure. The local

authority maintains a number of schools who are in an accumulated deficit position and/or are projecting to be in a financial deficit position. In viable school positions, the local authority requires local governing bodies to address any deficit and develop a recovery plan to operate within the funds and resources available.

Awarding funding to a school with no pupils, and not awarding funding to other schools in financial difficulty or who are geographically vital, and have pupils on roll risks setting a precedent that will not gain universal agreement and may result in potential future liabilities in other potential school closures

The school currently has no pupils on roll and there are no pending applications for places at the school. The school will receive no funding for the next financial year and the Local Authority is not in a position to approve any additional funding. It is clear from the response from the Ryedale Learning Trust that their proposal to continue the operation of the school would be predicated on the school receiving additional funding. For these reasons officers recommend that Members proceed with the closure process.

Balance of denominational provision

Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Hovingham is a Church of England Voluntary Controlled Primary School. The LA is under an obligation to consider the impact on the proportion of church places before it determines the outcome of school closure proposals.

The nearest alternative Church of England School is Terrington CE VA Primary School which is situated 4.6 miles from Hovingham School. The next nearest school is St Hilda's CE VA Primary School which is 7.2 miles away.

The Diocese is supporting the LA with the consultation and has expressed no specific concerns about the impact on proportionality of places in this area.

Maintained nursery schools

Not applicable

Sixth form provision

Not applicable

Special educational needs provision

The existing provision at Hovingham CE VC Primary School is not reserved for pupils with special educational needs.

Travel

Details of length and journeys to alternative provision.

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

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

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

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

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

- Slingsby Community Primary School which is situated 2.2 miles from Hovingham CE VC School Primary School.
- Terrington CE VA Primary School (Federated with Foston CE VC School) is the nearest alternative Church of England Primary School, which is situated 4.6 miles from Hovingham CE VC Primary School.
- St Hilda's CE VC Primary School, Ampleforth which is situated 7.2 from Hovingham CE VC Primary School.

Any pupils living in the current Hovingham catchment area applying for school places at other local schools after the closure would be assessed under the home to school transport policy..

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Strategic Planning - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, or by email to schoolorganisation@northyorks.gov.uk by 3 March 2023.

Consultation

The decision to consult on closure was taken by the Executive Member for Schools on 18 October 2023 following a request from governors. A consultation paper setting out the proposal was sent to staff at the school as well as other interested parties and individuals. A copy of the consultation paper and a list of the consultees is included as Appendices 1 and 2 respectively. The consultation period ran from 31 October 2022 to 18 December 2022. A public meeting was held on 9 November, notes of the meeting are attached as Appendix 3. There have been 61 consultation responses received (Appendix 4).

Appendices – see Report to Executive, 24 January 2023

- Appendix 1: Consultation Paper
- Appendix 2: List of the Consultees
- Appendix 3: Notes of the Public Meeting
- Appendix 4: Consultation Responses
- Appendix 5: Response from Ryedale Learning Trust

Below is a draft map of the proposed catchment area which will be circulated as part of the Statutory Proposals.

