

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

21 March 2023

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

Report by the Corporate Director – Children and Young People’s Service

1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to determine the proposal to cease to maintain Hovingham Church of England Voluntary Controlled Primary School with effect from 31 March 2023, together with the future arrangements for the School’s current catchment area.

2 EXECUTIVE SUMMARY

- 2.1 On 24 January 2023 the Executive approved the publication of statutory proposals to close Hovingham CE VC Primary School with effect from 31 March 2023.
- 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 3 February 2023, giving 4 weeks until 3 March 2023 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 Response to the Statutory Proposal
 - Appendix D School Organisation Guidance for Decision-makers
 - Appendix E Climate Change Impact Assessment
 - Appendix F Equality 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 Authorities (including the County Council’s Executive and Executive Members) acting as decision-makers.

4 PROPOSALS

- 4.1 North Yorkshire County Council proposes:

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 January 2023.

- To cease to maintain Hovingham CE VC Primary School with effect from 31 March 2023.
- 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.

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 24 January, 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 3 March 2023. 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 3 March 2023. 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 3 March 2023. A copy of this response can be found at Appendix C.

7 ISSUES RAISED IN RESPONSE TO THE STATUTORY PROPOSALS

- 7.1 The one response to the Statutory Notice period was an objection which referenced reasons that the respondent believes should lead to the proposal being rejected. These issues accord with some of the key issues raised during the previous consultation period and were addressed in the report to the Executive on 24 January, and again are responded to below

7.2 Need for school places locally

The response noted that there are currently pupils living within the Hovingham catchment area and argued that local knowledge was that the demographic of the village was changing and that primary school places are required. The response referenced the number of pupils attending the baby and toddler group in the village.

7.3 Response:

The LA acknowledges that the school has been a long-standing institution in the community and it will be greatly missed by local people if it is to close. In October 2022 there were 44 pupils of primary age living within Hovingham's catchment area, including the shared catchment area with St Hilda's CE, and attending North Yorkshire maintained schools. 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. The consultation period was extended as a result of representations made by stakeholders. The aim of this was to allow Members to be fully aware of any applications made by the closing date of 15 January to join Hovingham School next September, ahead of making any decision to proceed to the next stage of the process.

- 7.4 As at 2 March three applications had been received for Reception places at Hovingham in September 2023. These are all applications from pupils living out of catchment and two of them name Hovingham as third preference and one as fifth preference. On current information there is no realistic prospect that any of these pupils would require a school place at Hovingham. There have also been no applications made for 'in year' transfers into other year groups at Hovingham school. It therefore appears that from September 2023 the school would continue to have no pupils on roll.
- 7.5 Emerging demand for places from housing developments
The response made specific reference to both a masterplan for additional housing in Hovingham and a recent planning application in Slingsby and the pressure this would put on places locally.
- 7.6 Response:
North Yorkshire County Council works closely with Ryedale District Council, as the local planning authority, to ensure that there are sufficient school places available. An allowance of potential additional primary aged children generated by current housing permissions are included in the forecasts of future pupil numbers. Ryedale District Council has recently called for people to submit details of sites that could be used for development as part of a review of their Local Plan. These are not planning applications and the District Council has made no decisions on any of these sites. The exception to this is the recent reserved matters planning application for 26 dwellings in Slingsby which has already been taken into account when forecasting future need for school places within the local area.
- 7.7 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. Significant numbers of pupils currently attend Slingsby from the catchment areas of Nawton CP, Amotherby CP and St Hilda's CE.
- 7.8 In 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 therefore does have sufficient capacity to accommodate children from its own catchment area.
- 7.9 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 above 'out of area' applicants. For example, in Reception during October 2021, five of the 11 pupils were attending Slingsby from outside the catchment area and going forward with an enlarged catchment area we would expect that proportion could reduce.
- 7.10 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.

7.11 Following the inception of the new North Yorkshire Council from 1 April 2023 the School Place Planning Team will continue to liaise closely with the Local Planning Authority Officers to ensure a continuing sufficiency of places.

7.12 Conclusion

It is the view of LA Officers that none of the issues raised in the single response to the statutory proposal affect the fundamental reasons for consulting on closure as set out in the October and January reports to Members. The school currently has no pupils on roll, there are no pending applications for places at the school and there is no realistic prospect of Reception pupils requiring a place for September 2023. Officers have outlined in an earlier report that the school will receive no funding for the next academic year and the LA is not in a position to approve any additional funding. It is clear from the response from the Ryedale Learning Trust to the previous consultation 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.

8 FINANCIAL IMPLICATIONS

8.1 As set out in the report to Executive dated 24 January, 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 allocated in line with the Closing School Accounting Policy.

8.2 Transport costs

As there are currently no pupils at Hovingham CE VC School there would be no immediate transportation costs. 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 at the appropriate time. As such future transport costs cannot be estimated.

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;
- 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.

9.3 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.

² See footnote 1.

TYPES OF DECISION THAT CAN BE MADE

- 9.4 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 Members on 18 October set out the key concerns and these were issues were explored in further detail in the Executive Report on 24 January. The latest position on these issues is summarised below.
- 11.2 Pupil Numbers
At the October 2022 and January 2023 census there were no children on roll at Hovingham CE Primary School. As at 2 March three applications have been received for Reception places at Hovingham in September 2023. These are all applications from pupils living out of catchment and two of them name Hovingham as third preference and one as fifth preference. On current information there is no realistic prospect that any of these pupils would require a school place at Hovingham. There have also been no applications made for 'in year' transfers into other year groups at Hovingham school. It therefore appears that from September 2023 the school would continue to have no pupils on roll.
- 11.3 Finances
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.
- 11.4 The DfE have confirmed that if the LA 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.
- 11.5 It is the view of LA that the North Yorkshire 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.
- 11.6 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.

11.7 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.

11.8 School Leadership

Temporary leadership for Hovingham CE VC Primary School and St Hilda's CE VC Primary School is currently being provided by the Ryedale Learning Trust. In its response to the previous consultation, included as part of Appendix A, the Trust expressed its aspiration to bring both Hovingham and St Hilda's into their Multi Academy Trust, and its belief that it could support both schools in becoming 'schools of choice' in the area. The Trust's response also set out the offer they would seek to provide at Hovingham from September 2023, but also acknowledged that its proposal would not be feasible without transitional funding.

11.9 Given both the practical and financial difficulties presented by Hovingham having no pupils it would not be possible to engage a permanent Headteacher to cover St Hilda's and Hovingham on the existing shared cost arrangements. The Federation Governing Body will require clarity over the future of Hovingham School to allow them to make permanent arrangements for future leadership.

11.10 Standards and Curriculum

The most recent full Ofsted inspection for Hovingham School was in October 2017. At that time there were 39 pupils on roll. Ofsted judged the school to be 'Good'. However, pupil numbers at Hovingham have fallen rapidly. As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences and the quality of education they require. At present, if any pupils were to apply to join Hovingham School there is no realistic prospect of them being able to get a full and balanced school experience in the absence of any peers.

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 Appendix F. 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 Hovingham CE VC 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. Reducing surplus capacity indicates a more efficient use of resources. This would include reductions in*

heating, lighting and water usage but also other resource 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 is asked to:

- i) Resolve that the issues listed above in section 9 have been satisfied and there can be a determination of the proposals.
- ii) Agree to cease to maintain Hovingham CE VC Primary School with effect from 31 March 2023.
- iii) Agree 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 will 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.

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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: Response to the Statutory Proposal

Appendix D: School Organisation Guidance for Decision-makers

Appendix E: Climate Change Impact Assessment

Appendix F: Equality Impact Assessment

Background documents

Report, Executive, 24 January 2023

Report, Corporate Director's meeting with Executive Members, 18 October 2022