

# **NORTH YORKSHIRE COUNCIL**

## **THE EXECUTIVE**

**18 April 2023**

### **PROPOSAL TO AMALGAMATE CAEDMON COLLEGE WHITBY AND ESKDALE SCHOOL**

**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, at the request of the federated Governing Board of the Whitby Secondary Partnership, to amalgamate Caedmon College Whitby and Eskdale School resulting in the technical closure of Eskdale School and the Eskdale site and increase the planned admission number for the amalgamated school, now requested with effect from 1 September 2024. The Executive is asked to consider the responses to the consultation, to authorise the publication of statutory proposals, and to schedule taking a final decision on the proposal on 20 June 2023.
- 1.2 From 1 April 2023, pursuant to local government reorganisation and the North Yorkshire (Structural Changes) Order 2022, North Yorkshire County Council is a continuing Authority. This means that the legal entity continues. From 1 April 2023, North Yorkshire County Council's name will change to North Yorkshire Council. For the sake of clarity, the Council will be used.

#### **2.0 EXECUTIVE SUMMARY**

- 2.1 In December 2022, the Governing Board of the Whitby Secondary Partnership resolved to ask the Council to commence a consultation process on their proposal to amalgamate the two schools resulting in the closure of Eskdale School. On 7 February 2023, the Executive Member for Education, Learning and Skills gave approval for consultation on the proposal.
- 2.2 The proposal published for consultation was to amalgamate Caedmon College Whitby and Eskdale School resulting in the technical closure of Eskdale School and the Eskdale site, and increase the planned admission number for the amalgamated school with effect from 1 September 2024. The consultation commenced on 20 February 2023 and closed on 31 March 2023.
- 2.3 This report details the responses to the consultation, and asks the Executive to authorise the publication of statutory proposals, and to schedule taking a final decision on the proposal 20 June 2023. If approved, Eskdale School would close on 31 August 2024 and the amalgamated school would operate from 1 September 2024.
- 2.4 Members are asked to note the recommendation from the Area Constituency Committee which if the decision is made to proceed with these proposals will require Members to consider the recommendation in conjunction with these proposals at the appropriate time, if the proposals are published and this returns for a decision to close the school on 20 June.
- 2.5 The report is supported by a number of appendices as listed below:
  - Appendix 1A Draft statutory proposals
  - Appendix 1B Draft statutory notice
  - Appendix 2 Published consultation document
  - Appendix 3 List of consultees

Appendix 4A Notes of the 12:30 public consultation meeting  
Appendix 4B Notes of the 18:30 public consultation meeting

Appendix 5A Consultation responses submitted during the consultation period  
Appendix 5B Correspondence sent to the Executive Member for Education, Learning and Skills  
Appendix 5C Consultation responses submitted by Town and Parish Councils, Annual Assemblies and Trade Unions during the consultation period  
Appendix 5D Correspondence sent to council officers  
Appendix 5E Whitby Secondary Partnership Vision Statement  
Appendix 5F Keep Choice in Whitby, Save Eskdale School response

Appendix 6 Equality Impact Assessment  
Appendix 7 Climate Change Impact Assessment  
Appendix 8A Frequently Asked Questions 1  
Appendix 8B Frequently Asked Questions 2

### **3.0 BACKGROUND**

#### **3.1 Roles and responsibilities – the Federated Governing Board and the Council**

The federated governing board is the legally accountable body for both schools in the federation. It is accountable for each individual school to the local authority. It has a strategic oversight role. Governing Boards have three key functions:

- i. Ensuring clarity of the vision, ethos and strategic direction.
- ii. Holding the executive leaders to account for the educational performance of the school(s) and its pupils and the effective and efficient performance management of staff.
- iii. Overseeing the financial performance of the school(s) and making sure that its money is well spent.

#### **3.2 Councils have a statutory duty to ensure sufficient school places are available for every child. Councils are also usually the decision-makers for proposals to close or make significant changes to maintained schools, following legislation and statutory guidance published by the Department for Education. The Executive Committee of North Yorkshire Council is the decision-maker for this proposal.**

#### **3.3 The Local Management of Schools (LMS) Scheme is the funding framework for schools as set out in section 48 of the School Standards and Framework Act 1998. It sets out the financial relationship between the Council and the maintained schools it funds and is approved by the North Yorkshire Schools Forum. Within it are requirements relating to financial management and associated issues which are binding to both the Council and the schools. Subject to any provisions under the scheme (including Notices of Financial Concern), governing bodies of schools may spend such amounts of their budget shares as they think fit for any purposes of their school. Headteachers and Governors of locally maintained schools must determine – at school or federation level – how to achieve effective management of resources and value for money, to optimise the use of their resources, and to invest in teaching and learning. Under LMS, the costs of operating a school are borne by the school from a delegated budget. This includes premises costs that would include things such as energy costs, servicing equipment, maintenance works and decorating.**

#### **3.4 Whitby Secondary Partnership**

The Whitby Secondary Partnership was formed on 8 July 2019, bringing together the governing bodies of the two secondary schools in the town, Caedmon College Whitby and Eskdale School, to form a single Governing Board responsible for both schools. The

Instrument of Government was sealed by the Council on 27 June 2019. Eskdale School is an 11-16 school and Caedmon College Whitby is an 11-18 school. The Whitby Sixth Form, although technically part of Caedmon College Whitby, serves both schools. An Executive Headteacher is responsible for both schools and works with two Heads of School and two Senior Leadership Teams. The current Instrument of Government was sealed by the Council on 22 July 2022 to reflect the revised staffing structure of the federation and replaced the 2019 Instrument of Government.

3.5 Eskdale School operates from a single site on the east side of Whitby. Caedmon College Whitby's 11-16 provision mainly operates from the Normanby Site (formerly Whitby Community College) and the Whitby Sixth Form is based on the Scoresby Site (formerly Caedmon School), both on the west side of the town.

3.6 The Governing Board set out three linked factors as the reasons for their proposal to amalgamate Caedmon College Whitby and Eskdale School: low pupil numbers, significant financial challenges at both schools and an imperative to give the best education and curriculum to the young people of Whitby. These were set out in the report to the Executive Member for Education, Learning and Skills of 7 February 2023, and for reference, they have been described again in the following paragraphs.

### 3.7 Pupil numbers

The Whitby Secondary Partnership 11-18 capacity has approximately 2080 school places. Numbers of secondary aged pupils have been falling steadily across the catchment area over the last 10 years (see Table 1 below). In January 2023 there were 406 pupils on roll at Eskdale, with a capacity of 550, and 783 pupils on roll at Caedmon College, with a capacity of 1530. There is therefore a surplus of over 40% of places in Whitby.

Table 1: Historic Numbers on Roll

	<b>Eskdale 11-16</b>	<b>Caedmon 11-16</b>	<b>Whitby Sixth Form 16-18</b>	<b>Caedmon 11-18</b>	<b>Whitby Total 11-16</b>	<b>Whitby Total 11-18</b>
<b>2011/12</b>	303	912	324	1236	1215	1539
<b>2012/13</b>	280	880	314	1194	1160	1474
<b>2013/14</b>	291	814	309	1123	1105	1414
<b>2014/15</b>	294	768	316	1084	1062	1378
<b>2015/16</b>	300	772	311	1083	1072	1383
<b>2016/17</b>	302	748	265	1013	1050	1315
Eskdale School increases roll to include Year 10 pupils.						
<b>2017/18</b>	408	649	205	854	1057	1262
Eskdale School increase roll to include Year 11 pupils						
<b>2018/19</b>	513	582	169	751	1095	1264
<b>2019/20</b>	499	570	176	746	1069	1245
<b>2020/21</b>	481	606	163	769	1087	1250
<b>2021/22</b>	456	621	175	796	1077	1252
<b>2022/23</b>	407	647	140	787	1054	1194

Table 2: Future forecasted pupil numbers

	Eskdale 11-16	Caedmon 11-16	Whitby Sixth Form* 16-18	Caedmon 11-18	Whitby Total 11-16	Whitby Total 11-18
2023/24	371	666	143	809	1037	1180
2024/25	342	690	154	844	1032	1186
2025/26	316	679	161	840	995	1156
2026/27	307	681	156	837	988	1144
2027/28	326	657	143	800	983	1126
2028/29	322	651	145	796	973	1118
2029/30	315	636	146	782	951	1097
2030/31	308	621	145	766	929	1074
2031/32	304	613	142	755	917	1059
2032/33	299	604	138	742	904	1041
2033/34	293	591	139	730	884	1023
2034/35	282	590	134	724	882	1016

\* Sixth form numbers are projected based on the average 'stay-on rate' for the past 3 years

Note: Outstanding planning permissions and existing Local Plan allocations for new housing could generate an additional 62 secondary-aged children based on the standard pupil yield factor applied for all North Yorkshire schools.

### 3.8 Finance

The Federation currently operates two separate budgets. Operating two schools across three sites brings a significant financial cost. Both school budgets have numerous financial challenges that need to be addressed. Each school is subject to a Notice of Financial Concern. This notice is issued by the Council to governing boards where, in the opinion of officers, actions need to be taken to safeguard the financial position of the Council or the school. Under Local Management of Schools, schools are responsible for their own budgets. It is for heads and governors to determine at school or federation level how to optimise the use of resources and maximise value for money. See paragraph 3.3 above.

- 3.9 Governors and Leaders have considered the current financial outlook for the two schools as separate institutions as well as the projected savings that they would be able to make as single school.

Table 3: Caedmon College Whitby - individual school budget

	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000
Income (including Government funding & local income generated by the school)	5,500.5	5,726.4	5,793.8	5,982.8	5,974.0
Expenditure (including costs associated with staffing, premises and supplies and services)	5,373.1	5,573.2	5,756.2	5,929.0	6,062.9
In year financial position	127.4	153.2	37.6	53.8	-88.9
Balance brought forward	-394.4	-267.0	-113.8	-76.2	-22.4
Balance carried forward	-267.0	-113.8	-76.2	-22.4	-111.3

Table 4: Eskdale School - individual school budget

	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	2026/27 £'000
Income (including Government funding & local income generated by the school)	3,222.7	2,979.5	2,735.2	2,540.9	2,377.8
Expenditure (including costs associated with staffing, premises and supplies and services)	3,295.1	2,861.3	2,915.5	2,987.0	3,026.6
In financial year position	-72.4	118.2	-180.3	-446.1	-648.8
Balance brought forward	44.2	-28.2	90.0	-90.3	-536.4
Balance carried forward	-28.2	90.0	-90.3	-536.4	-1185.2

Table 5: Budget forecast for the amalgamated school

	2024/25* £'000	2025/26 £'000	2026/27 £'000
Income (including Government funding & local income generated by the school)	7,331.7	8,326.3	8,066.9
Expenditure (including costs associated with staffing, premises and supplies and services)	7,102.8	8,179.6	8,310.3
In year financial position	228.9	146.7	-243.4
Balance brought forward	-113.8	115.1	261.8
Balance carried forward	115.1	261.8	18.4

\*The 2024/25 financial year forecast reflects the individual school budget for Caedmon College for the period April 2024 to August 2024 and the proposed amalgamated school budget for the period September 2024 to March 2025.

- 3.10 Amalgamating the two schools to provide education across two sites rather than three we would make savings on the premises costs at the Eskdale site. School budgets are funded largely by pupil numbers an amalgamated school would have a larger combined funding allocation. However, the combined funding allocation for the amalgamated school would be smaller than the funding allocations for the two separate schools because there would be the loss of lump sum related funding. The impact of the lump sum reduction and the closure of the Eskdale site would result in an ongoing estimated annual net saving of £85k.
- 3.11 Just as the combined funding allocation for the amalgamated school would be smaller than the funding allocations for the two separate schools so too would be the associated expenditure. An initial model demonstrating potential for the amalgamated school to achieve £1.3m savings by 2026/27 is set out in Table 5. Further savings are expected to be made over time.
- 3.12 Standards and Curriculum  
The Governing Board view the proposal as offering the opportunity to deliver a broader curriculum offer with wider opportunities and development of skills to meet the need of pupils and the local community. They believe that any strategy to address the low pupil numbers and financial challenges without moving to become one school across two sites would hamper educational and curriculum improvement. Continuing to spend disproportionate amounts of their budget on premises costs across three sites would divert valuable budget away from the delivery of high-quality education.
- 3.13 Caedmon College Whitby was last inspected by Ofsted in February 2022, this was an initial (section 8) inspection. The reported outcome was that there has been no change to the school's overall judgement of good, however the evidence gathered suggested that the inspection grade might not be as high if a full inspection were carried out at that time, and so the next inspection will therefore be a graded (section 5) inspection. The previous full Ofsted inspection took place in February 2017 which judged all outcomes to be good.
- 3.14 Eskdale School was last inspected by Ofsted in November 2022. The reported outcome was that there has been no change to the school's overall judgement of good as a result of this ungraded (section 8) inspection, however, the evidence gathered suggested that the inspection grade might not be as high if a graded (section 5) inspection were carried out now. The next inspection will therefore be a graded inspection The previous full Ofsted inspection took place in November 2017 which judged all outcomes to be good.
- 3.15 Council officers made an initial analysis of the Governing Board's proposal which is set out in the report to the Executive Member for Education, Learning and Skills of 7 February 2023, along with a recommendation that the views of parents, staff, local residents and other

stakeholders were sought, which would enable further analysis of the proposals to be undertaken. On 7 February 2023, the Executive Member for Education, Learning and Skills considered the request and approved public consultation on the proposal to amalgamate Caedmon College Whitby and Eskdale School.

#### 4.0 OPTIONS CONSIDERED

- 4.1 A variety of alternative options to the proposal which has been consulted upon have been considered.

Table 5: The table below sets out the options considered prior to consultation

Option	Brief Description	Why was this option discounted or progressed?	Result of Consideration
A	<b>Amalgamate to create one school across two sites:</b> 11-18 School across Normanby and Scoresby sites.	<ul style="list-style-type: none"> <li>- The full rationale for this proposal forms part of the Consultation Document, FAQs document and this report.</li> <li>- The reason for the selection of Normanby and Scoresby sites has already been set out in the Consultation Document, FAQs document and as part of this report.</li> <li>- Sub-options which included forming an amalgamated school but on just one site or on an alternative pair of sites were also considered.</li> </ul>	Recommended by Governing Board to the Council for consultation.
B	<b>Maintain Status Quo:</b> 11-16 Eskdale on Eskdale Site 11-18 Caedmon with 11-16 on Normanby and 16-18 Whitby Sixth Form on Scoresby Site.	<ul style="list-style-type: none"> <li>- Significant financial challenges at both schools, including budget deficits which Governors felt could not be addressed as two small secondary schools without significant reductions in the quality and breadth of education.</li> <li>- Leaves significant surplus accommodation leading to an inefficient use of financial resources.</li> <li>- Arbitrary PANs would be needed to reflect the finite (and reducing) cohort size and manage the numbers at each school. This could in fact <b>remove</b> choice as places would be limited at each school and therefore any flux in preference would result in some parents not achieving their first preference.</li> <li>- Any adjusted PANs would not reflect site net capacity (see section 6.4 below) and would have significant implications including unnecessary site costs.</li> <li>- Smaller schools often face the challenge of attracting specialist teachers, staff on smaller leadership teams take on multiple (non-specialism) responsibilities.</li> </ul>	Discounted



		<ul style="list-style-type: none"> <li>- Quality of curriculum offer would be significant more challenging to achieve without the benefits of a larger staff group, more efficient resources (gained through scaling up purchases etc).</li> </ul>	
C	<b>Close Whitby Sixth Form and the Scoresby Site:</b> 11-16 Eskdale remain on Eskdale Site 11-16 Caedmon remain on Normanby Site	<ul style="list-style-type: none"> <li>- This option would improve the forecast budget position for Caedmon College Whitby by decreasing site costs but would not affect the significant budget deficit forecast at Eskdale. It is the view of Governors that further savings to Eskdale's individual budget could not be addressed without significant reductions in the quality and breadth of education.</li> <li>- This option would limit the extent to which any future federation wide staffing structures could be most efficiently applied due to the travel time between the two sites.</li> <li>- This option would remove the opportunity for pupils to access Sixth Form provision within the town. Governors acknowledge that some pupils would always wish to seek Further Education further afield however, retain a strong belief that for other pupils benefit from a local sixth form.</li> <li>- The Normanby site alone does not have the sports facilities recommended for the number of pupils it would accommodate under this option.</li> <li>- Arbitrary PANs would be needed to reflect the finite (and reducing) cohort size and manage the numbers at each school. This could in fact <b>remove</b> choice as places would be limited at each school and therefore any flux in preference would result in some parents not achieving their first preference.</li> <li>- Any adjusted PANs would not reflect site net capacity (see section 6.4 below) and would have significant implications including unnecessary site costs.</li> <li>- Smaller schools often face the challenge of attracting specialist teachers, staff on smaller leadership teams take on multiple (non-specialism) responsibilities.</li> <li>- Quality of curriculum offer would be significant more challenging to achieve without the benefits of a larger staff group, more efficient resources (gained through scaling up purchases etc).</li> </ul>	Discounted

D	<p><b>Close Whitby Sixth Form and the Normanby Site</b></p> <p>11-16 Eskdale remain on Eskdale Site</p> <p>11-16 Caedmon transfer to Scoresby Site</p>	<ul style="list-style-type: none"> <li>- This option would improve the forecast budget position for Caedmon College Whitby by decreasing site costs but would not affect the significant budget deficit forecast at Eskdale. It is the view of Governors that further savings to Eskdale's individual budget could not be addressed without significant reductions in the quality and breadth of education.</li> <li>- This option would limit the extent to which any future federation wide staffing structures could be most efficiently applied due to the travel time between the two sites.</li> <li>- This option would remove the opportunity for pupils to access Sixth Form provision within the town. Governors acknowledge that some pupils would always wish to seek Further Education further afield however, retain a strong belief that for other pupils benefit from a local sixth form.</li> <li>- This option would lose access to significant specialist facilities including a Sports Hall almost twice as large as that at Eskdale or Scoresby as well as the Technology Block and Learning Resource Centre.</li> <li>- Arbitrary PANs would be needed to reflect the finite (and reducing) cohort size and manage the numbers at each school. This could in fact <b>remove</b> choice as places would be limited at each school and therefore any flux in preference would result in some parents not achieving their first preference.</li> <li>- Any adjusted PANs would not reflect site net capacity (see section 6.4 below) and would have significant implications including unnecessary site costs.</li> <li>- Smaller schools often face the challenge of attracting specialist teachers, staff on smaller leadership teams take on multiple (non-specialism) responsibilities.</li> <li>- Quality of curriculum offer would be significant more challenging to achieve without the benefits of a larger staff group, more efficient resources (gained through scaling up purchases etc).</li> </ul>	Discounted
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4.2 Options B-D above would not address the projected budget deficits across both schools, indeed many of them would have no impact on the budget at Eskdale School.



#### 4.3 Further options raised as responses to the consultation

As part of the consultation, and in the public meetings, many of the respondents asked which other options had been considered. Some respondents specifically referenced the options listed above, or a variation on one of them, as their preferred alternative option to this proposal. In addition to the options listed above, there were also some additional options which a few respondents thought should be considered; these are addressed in the table below. All responses and a note of the public meetings are provided as appendices to this report.

Table 6: The table below sets out the options put forward during the consultation

Option	Brief Descriptions	Response
<b>E</b>	One New Build 11-18 Secondary School for Whitby	<ul style="list-style-type: none"><li>- The Council does not receive capital funding to re-provide existing school places in new accommodation.</li><li>- The Council is not legally allowed to establish new maintained schools.</li><li>- The Department for Education periodically runs capital programmes where funding is provided to rebuild existing schools. Neither of the existing schools have been selected for the most recent programme due to not meeting the criteria set out by the DfE.</li><li>- If Option A were approved, Option E could be considered at a later date by DfE.</li></ul>
<b>F</b>	Any of the Options above but with either or both schools becoming academies	<p>The decision for a school to become an academy is not under the auspices of the Council. Schools become academies as the result of Directive Academy Orders made by the Secretary of State, alternatively, under the Academies Act 2010, schools may apply to the Secretary of State to convert to academy status.</p> <ul style="list-style-type: none"><li>- The Governing Board of the Whitby Secondary Partnership recognise that it would need to resolve its finances before any future application to join a multi-academy trust in accordance with Department for Education expectations.</li></ul>

## 5.0 CONSULTATION UNDERTAKEN AND ANALYSIS OF RESPONSES

- 5.1 The consultation period ran from 20 February 2023 to 31 March 2023 (6 term-time weeks). A consultation document (Appendix 2) was published on the Council's website at <https://www.northyorks.gov.uk/current-consultations> and consultees (Appendix 3) including parents and staff were notified.
- 5.2 Frequently Asked Questions were compiled based on queries that were raised in the consultation responses and the Whitby Secondary Partnership shared their vision for the newly amalgamated school - A Quality First Education for Whitby. See Appendix 5E and Appendices 8A and 8B.
- 5.3 Two public consultation meetings took place at Whitby Pavilion on Wednesday 8 March at 12:30pm and 6:30pm, attended by 65 and 172 people respectively. Notes of these meetings are attached at Appendices 4A and 4B.

- 5.4 One petition 'Save Eskdale School' containing 2,468 signatories was received by the Council on 21 February 2023. As this petition contained more than 500 signatures, it was referred to the Scarborough and Whitby Area Constituency Committee for debate at their meeting on 24 March 2023.
- 5.5 Responses and correspondence relating to the proposal are included as Appendices 5A-5D. These are separated into: direct responses to the consultation, consultation related correspondence to the Executive Member, and consultation related correspondence to LA Officers, including where people have been copied into correspondence addressed to the school. Where correspondence was sent to more than one person they have not been duplicated in this report.
- 5.6 By the closing date of 31 March 2023, 463 written consultation responses had been received. In addition, 104 items of consultation correspondence were sent to the Executive Member for Education, Learning and Skills, and 26 items of consultation correspondence were sent to Council Officers.

## **6. ISSUES RAISED AND RESPONSES**

### **6.1 Volume of responses**

A wide variety of responses were received to this consultation and many views were expressed and noted in consultation correspondence to the Executive Member and to officers including during the public consultation meetings. In this section, the key themes which have been raised are referenced and then a response to the issue is provided. Questions and comments regarding current school operational matters and/or particular individuals (which did not form part of the consultation proposals) have been considered by council officers where required but have not been responded to directly in this report. There were 410 consultation forms submitted during the consultation period using the online portal or paper consultation routes. Of these, 312 did not support the proposal, 83 supported the proposal and 15 responded don't know. Further written responses were received via the post or email, of these the majority did not agree with the proposal. These consultation responses are set out in Appendix 5A.

### **6.2 Alternative proposals**

A high volume of responses referred to other options that respondents believed should be considered as part of this consultation. The options that were considered and the reasons that they were discounted are shown in sections 4.1 and 4.3 of this report. The alternative options suggested by respondents invariably maintained two separate 11-16 schools in the town, or one 11-16 and one 11-18 school. These options would not address the projected budget deficits across both schools, indeed many of them would have no impact on the budget at Eskdale School. Governors have stated that because of this, any option that does not bring the schools together as one limits the effective use of resources across secondary provision in Whitby. Governors believe that any strategy to address the schools' financial challenges without moving to become one school across two sites would hamper educational improvement and prevent their plans for an improved curriculum offer.

### **6.3 Choice of Sites**

Many responses questioned why the Eskdale site was being closed and a number of specific issues were raised. Some responses felt that education provision was essential to the specific locality of East Whitby, others referenced the space available at the Eskdale site as being better than that at the Normanby or Scoresby sites both in terms of drop off areas and playing fields including the 3G pitch. Some respondents clearly felt that there is much to recommend the retention of the Eskdale school site in preference to one or other of the two Caedmon sites.

6.4 Response

The selection of the Normanby site for retention is based upon it being the only one of the three sites which offers an opportunity to accommodate all 11-16 pupils. The buildings on the site could accommodate the 11-16 cohort but would not have space to accommodate the current sixth form numbers in addition to the 11-16. The Governors have expressed a clear vision to develop the sixth form and increase the number of pupils as part of a wider improvement of the curriculum offer. It is also acknowledged that the Normanby site alone would not have the extent of sports fields recommended for a school of that size and so a second site would be required.

6.5 The choice of Scoresby rather than Eskdale as the second site to be retained was based on a number of factors. The site is currently operating as the sixth form and the facilities have been adapted specifically for that purpose. The Normanby and Scoresby sites are only 0.3 miles apart whereas the Eskdale site is 1 mile from Scoresby and 1.3 miles from the Normanby site. This makes the playing fields and all-weather pitch at the Scoresby site much more accessible to 11-16 pupils being educated on the Normanby site. In addition, for any staff moving between the sites the travel time would be kept to a minimum.

6.6 Suitability of Normanby Site

A number of responses questioned whether the facilities at the Normanby site were adequate to meet the needs of a larger amalgamated school.

6.7 Response

The net capacity (a calculation of the number of pupils that a school can reasonably be expected to accommodate) for the Normanby site as a separate 11-16 site would be 1125 and projections show that the total pupil numbers in the amalgamated school would be approximately 1032 pupils (11-16) in the first year of operation and that numbers are forecast to fall after that point. An initial analysis has indicated that there are sufficient teaching and ancillary areas to accommodate the full 11-16 curriculum. As part of the implementation of this proposal the Council would work with the school leadership to identify the amalgamated school's capital priorities.

6.8 Split Site

A number of responses commented on the perceived negative impacts of setting up a split-site school (a school that operates its classes across more than one site). Respondents referenced places where they perceived that split site arrangements had led to a decrease in educational standards and other difficulties. At the consultation meeting it was stated by a member of the public that the amount of teaching time lost to the organisation associated with managing a split site school was considerable.

6.9 Response

Responses focused on perceived declines in standards at some split site schools and assumed that the split site arrangements were the cause of this perceived decline. There are equally examples of split school sites where standards are high across the country. The proposed amalgamated school will be a split site only to the same extent that the existing Caedmon College is a split site. One of the reasons that Governors have chosen this proposal is that it offers the opportunity to bring all 11-16 pupils onto one site and allow specialist staff to teach pupils in one place. The exception to this would be some sports provision which some 11-16 pupils would need to access at Scoresby as they do at present.

6.10 Size of the Newly Amalgamated School

Some responses felt that the size of the proposed amalgamated school would be too large and that this would be a negative for pupils. Some of these responses commented that pupils from small primary schools would feel more comfortable in a small secondary school.

Others commented that a smaller school would be better for pupils with Special Educational Needs.

6.11 Response

The amalgamated school if approved is projected to have in the region of 1000 pupils aged 11-16 plus the sixth form pupils. Even allowing for growth of sixth form uptake in line with the Governors' aspirations, this would still leave a school of a similar size to or smaller than to eleven other secondary schools (1000+ pupils) in North Yorkshire and many others nationally. The Council values its small schools and maintains many small schools across the county and whilst some of the pupils from these schools will progress into secondary schools that are smaller than average, others attend secondary schools which are a similar size or in some cases larger than the proposed amalgamated school. Most secondary schools are usually a far larger education environment than primary school pupils are used to. All schools are expected to be able to meet the needs of SEND pupils, regardless of size.

6.12 Choice

A number of consultees stressed the need for parental choice of secondary schools in Whitby. This issue is one of the most referenced across consultation responses and was also voiced by several attendees at the public meetings. A campaign group was formed entitled 'Keep Choice in Whitby, save Eskdale School'.

6.13 One specific concern was the distance that pupils would need to travel to access alternative schools if they did not wish to attend the newly amalgamated school. A body of responses clearly considered 'choice' for an 11-16 school to be a higher priority than maintaining sixth form provision in Whitby. On the other hand, another view was that one larger school in the town would mean that children growing up in Whitby would have certainty and a sense of collaboration, and another perspective was that there would be more choice of curriculum within one school than if the education provision remains split. Another response felt that 'choice' should not be used as a reason to close sixth form provision in Whitby.

6.14 A number of respondents were concerned that pupils and parents should have a choice that enabled them to move from one school to the other if they felt unhappy in school. There was a perception that this was a frequent occurrence with notable movement of pupils between the two Whitby schools.

6.15 Response

There is no legal duty to have multiple schools located in a specific area despite this being one of the biggest issues raised within the consultation. The School Admissions Code, page 44, explains, the Common Application Form (CAF) is *the form parents complete, listing their preferred choices of schools, and then submit to local authorities when applying for a school place for their child as part of the local co-ordination scheme, during the normal admissions round. Parents must be allowed to express a preference for a minimum of three schools on the relevant common application form as determined by their local authority. Local authorities may allow parents to express a higher number of preferences if they wish.* The consultation proposal does not change parental 'choice' as interpreted in the admissions code. However, it is acknowledged that as a result of this proposal being implemented there would only be one secondary school in Whitby.

6.16 There are a number of towns of comparable size across the county and nationwide that only have one secondary school. Indeed, a number of respondents including at the consultation meeting, that did not support this proposal referenced how successful they believed the former Whitby Community College had been historically, when the community college itself was the only provider of education for 14-18 year olds within the town. The Whitby Secondary Partnership's vision is to offer a wider curriculum increasing the choices

for pupils, particularly key stage 4 (GCSEs) and preparing them to progress to a range of outcomes at 16+ and 19+. The amalgamated school would be able to provide a wider curriculum offer than currently provided at either school and this should enable more pupils to be successful in the subjects and pathways of their choice.

- 6.17 The admissions code states that parents can apply for a place for their child at any school, at any time. The Council offers a co-ordinated in-year application process (in-year application is for the admission of a child to a relevant age group, that is submitted *on or after* the first day of the first term of the admission year) and holds the following data on pupils that have moved 'in-year' since the 18/19 academic year.

Table 7: In Year Application information 2018/19 to 2022/23 (to 31<sup>st</sup> March)

Caedmon to Eskdale: In-Year Application place offered						
	18/19	19/20	20/21	21/22	22/23	Total 2018-2023
Year 7						
Year 8	1	0	0	0	0	
Year 9	0	0	1	0	0	
Year 10	0	0	0	0	0	
Year 11	0	1	0	0	0	
	1	1	1	0	0	3
Eskdale to Caedmon: In-Year Application place offered						
	18/19	19/20	20/21	21/22	22/23	Total 2018-2023
Year 7						
Year 8	2	1	2	0	1	
Year 9	2	0	0	0	0	
Year 10	2	0	1	1	0	
Year 11	1	0	0	0	0	
	7	1	3	1	1	13

- 6.18 The table indicates a decreasing trend for in-year applications since the federation has been in place. The reasons provided for the 3 transfers from Caedmon to Eskdale, and the 13 from Eskdale to Caedmon were cited as:

Table 8: Reason for In Year Application 2018/19 to 2022/23 (to 31<sup>st</sup> March)

Preference reasons	Number
None provided	8
Bullying	1
Pupil unsettled	2
Permanent exclusion	1
Breakdown in relationship with staff	1
Pupil unhappy	1
Pupil didn't like school	1

#### 6.19 Sixth Form

The current and future role of the sixth form in Whitby was an issue that was raised in a large number of responses. The opinions expressed were varied, many responses cited the low numbers of pupils and the large and surplus capacity of the sixth form site as the reasons for the financial problems of the two schools. Some responses suggested Whitby was too small to offer sixth form with enough choices to be viable and that it was inevitable

that the sixth form would have to close. One response suggested that a small SEN hub for post 16 who could not travel outside of Whitby should be considered as an alternative to the current sixth form provision. However, there were a group of responses from individuals who believed that maintaining Sixth Form provision in Whitby was essential to providing an aspirational education offer to the town. Responses which attributed the financial difficulties at the school to the sixth form, tended to believe that travelling some distance for further education was acceptable; whereas responses that saw the Sixth Form as integral to the school expressed views that young people should not have to travel so far for Sixth Form provision.

6.20 Response

Governors have stated that their vision for secondary education in Whitby is that there would continue to be education for 16-18 year olds as part of an amalgamated school. Governors described at the public meetings how their long-term curriculum planning involved ensuring that there could be a seamless transition from 11-16 through into sixth form for all pupils in Whitby who choose this route. It is clear from the responses above that the issue of necessity of sixth form provision in Whitby is emotive and those for and against retaining the provision have the best interests of the pupils in their minds. Crucially this proposal is to amalgamate Eskdale School and Caedmon College Whitby to meet the three linked factors which Governors identified as challenges: low pupil numbers, significant financial challenges at both schools and an imperative to give the best education and curriculum to the young people of Whitby. Many respondents believed that the sixth form closing would address the financial challenges at the schools but it should be restated here that closing the sixth form would have no impact on the Eskdale School budget and would therefore do nothing to address its significant projected deficit. Whereas Governors consider the retention of the sixth form is part of the core vision for a quality education as set out by the federation.

6.21 Shared resources

Some consultees felt that Eskdale School was subsidising the federation, including the sixth form, and a suggestion was made that money has been diverted from Eskdale into Caedmon.

6.22 Response

The Whitby Secondary Partnership shares a number of human and other resources across the two schools within the federation and consequently there is a need for transfer of funding between the two school budgets in respect of these shared resources. The shared services relate to administrative, finance and business manager functions; the provision of careers advice and support for pupils; and information technology support. The 2022/23 Revised Forecasts submitted to the Council for the individual schools indicate an annual funding transfer of £69.5k in respect of these services from the Eskdale School budget to the Caedmon School budget. The financial forecasts do not indicate any other transfers of funding between the two schools.

6.23 Governors confirmed that previously consideration had been given to making a payment to the sixth form budget from the Eskdale School budget, but during Eskdale budget review meetings it was later decided that this would not be carried out. The DfE use a national funding formula to calculate an allocation of funding on an academic year basis for school sixth forms. The DfE calculate the basic funding for school sixth forms using national funding rates, which depend on the size of their pupils' study programmes. The funding rates and methodology are the same for all institutions. The key factors of the sixth form funding formula are:

- Pupil numbers
- Funding rate per pupil which reflects planned study hours
- Pupil retention rate



- Study programme cost weighting which reflects subjects that are more costly to deliver
- Disadvantage funding reflecting economic disadvantage levels of pupils and low prior attainment in English or Maths.

6.24 This funding formula would remain unchanged as a result of this proposal and school governors, under LMS, would be required to continue to monitor their budget plans in line with section 3.3 above.

6.25 Staff structures

Some consultees felt that savings could be achieved by reducing the existing management structures at the two schools. Some responses and attendees at the public consultation meetings felt that the Executive Headship role was not required for the two schools. In their consultation response, Unison has expressed concerns regarding potential job losses which could potentially cause a loss of skilled staff in a rural area.

6.26 Response

The Executive Head Teacher role at Whitby Secondary Partnership has overarching operational responsibility for Eskdale and Caedmon. The Executive Head Teacher also has responsibility for strategic leadership across the whole federation and remains responsible as the designated Headteacher for both schools in the arrangement at all times. As the Executive Head Teacher cannot be present at both schools at all times, Eskdale and Caedmon each have their own Head of School. Their focus is to be responsible for the site and ensure day to day operational duties are carried out. The Head of School is also key in ensuring high quality education provision.

6.27 In addition to this, each school has its own leadership structures in place; as these structures pre-date the federation, they are not comparable between each school and consequently roles with similar responsibility levels may have different role titles. This has resulted in the appearance of multiple levels of management roles. It is important to note that many leadership posts across both schools do include timetabled teaching commitments and this is a normal part of many middle and senior leaders' roles.

6.28 The Governing Board is clear that if the proposals are implemented, whilst the amalgamation would result in a technical closure of Eskdale School, it would provide opportunities for staff across both schools. The amalgamation would involve the creation of a new staffing model to fit the needs of a newly enlarged and amalgamated school, for which a staff consultation would be undertaken.

6.29 Decision making

A number of responses to the consultation expressed concern over the decision making process leading up to the Governors recommending this consultation to the Council. Responses specifically referenced whether the Governing Body was quorate and the motivations of individual Governors in coming to this decision. Some responses also questioned why a Parent Governor and LA Governor stepped down and were then co-opted straight onto the board.

6.30 Response

At the meeting on 13 December 2022 when the decision was taken by Governors to seek permission to consult on their proposal there were seven members on the Governing Board of the Whitby Secondary Partnership. In order for decisions to be taken, the quorum is half of the membership of the Governing Board rounded up to the nearest whole number. Whilst the Instrument of Governance provides the Governing Board shall consist of thirteen members, the membership of the Governing Board for the purposes of quorum does not include vacant positions. Therefore, as the membership of the Governing Board on 13 December 2022 was seven members, this meant that four Governors would need to be

present and as there were four Governors in attendance at that meeting who were all in favour of the decision, the decision was quorate. The Governors are responsible for the education of pupils at both Eskdale School and Caedmon College and have brought forward this recommendation in the interests of pupils across both schools in the Federation.

- 6.31 The Parent Governor and Local Authority Governor who stepped down to be co-opted did so with the agreement of the board so that the board could advertise for another parent governor and could ask the Local Authority to nominate another Local Authority governor. The Whitby Secondary Partnership have been in discussion with council officers in relation to recruitment to their board over an extended period, and council officers were aware of the approach governors were taking to increase recruitment. The board may appoint as many additional Co-opted Governors as are permitted by the instrument of government and as it considers necessary. Current and previous members of the federated board have struggled to recruit new members over recent years - this is not unusual as school governance is a highly accountable voluntary role that often places significant time demands on members who are required to have the correct skills, experience, competences and behaviour required to effectively support the board. In part due to the shortage of available high-quality governors, there are maintained schools and academies across the county where serving and retired school leaders and governors support more than one governing board. In order to make credible decisions that are in the best interest of pupils it is essential that boards manage conflicts of interest where these may occur.
- 6.32 Speed of the decision-making process  
Some responses questioned why the process to consult on this proposal was short and whether full consideration had been given to timescales. There was a view expressed that longer should be taken to gather views of the various stakeholders.
- 6.33 Response  
As referred to earlier in this report, Governors are responsible for setting a balanced budget for their schools under the Local Management of Schools. They hold strategic responsibility for the performance and quality of education in their schools. Governors are aware that both schools are in significant financial difficulty, and they have identified this proposal as the solution to provide sustainable high-quality education to the pupils of Whitby. Governing Board minutes evidence that Governors have been seeking to tackle the three key issues identified for this proposal for a number of years. However, the low Year 7 pupil numbers in September 2022 escalated the issues such that by December 2022 Governors decided that this proposal was the correct route to tackle the combination of challenges facing the schools. School finances are lagged and so the October 2022 census will inform the allocation for 2023-24 financial year. Therefore, Governors are seeking to move forward with this proposal in good time to achieve a positive outcome for the pupils without delay. Prolonged deliberations in relation to this proposal would have made it necessary to take on other significant measures to address the pending financial shortfalls and Governors could not justify such cost saving measures which they believe would impact greatly on the quality education when they have identified that there is a long-term, sustainable model available.
- 6.34 Initially, the Governing Board asked for the proposals to be implemented from August 2023, but they subsequently considered that August 2024 would allow more time for successful transition arrangements to be in place and therefore reduce disruption for pupils and staff. The Council's consultation process is being carried out in line with school organisation guidelines.

6.35 Consultation process

On 28 March 2023, Whitby Town Council expressed the view that the consultation process was inadequate, and the views of parents and the community had not been properly considered nor listened to. They felt that very little information had been provided to parents and concerns and objections were largely ignored. They noted that members of the federated governing board had failed to accept an invitation to address the Town Council and thought that there was a lack of engagement at the two public consultation meetings. The Town Council subsequently requested the extension of the consultation, on the grounds that the Governing Body had ignored repeated requests to attend a meeting of the town council, which the Town Council considered, is the proper way that they should be engaged as a core consultee in this process. Some other consultees thought the consultation process had been rushed and there was a lack of transparency over the decision-making process.

6.36 Response

The DfE produces statutory guidance for closing and making significant changes to maintained schools. This sets out five stages: consultation, publication, representation, decision and implementation. The Council has completed the first stage for these proposals by conducting consultation. The statutory guidance states that, 'It is for the proposer to determine the nature and length of the pre-publication consultation'. There is no requirement to hold public meetings or to attend the meetings of other organisations as part of the consultation process. The consultation process that has been undertaken is set out above in Section 5 of this report. This included holding two public consultation meetings, which members of the Town Council attended and asked questions of the Governing Body. The Town Council has also submitted written responses to the consultation (Appendix 5C). The Executive Headteacher has invited members of the Town Council to visit the schools to discuss the proposal, but this offer has not been taken up. Officers are confident that a full and detailed consultation has been carried out to date, and that there is no requirement to extend the consultation period. Should the Executive decide to proceed with process by approving the publication of statutory proposals, this would give another four weeks for representations to be made by the public.

6.37 Independent enquiry

The Annual Assembly of the electors of the parish of Whitby requested an independent enquiry on education in Whitby. Other respondents felt that a review of all education in the town was necessary.

6.38 Response

It is unclear who would conduct an independent enquiry. The education system is complex. The direct responsibility for taking action to improve education outcomes lies with governing bodies and academy trusts. The Council retains many duties and responsibilities with regard to its maintained schools and has a role alongside all schools in relation to safeguarding of children. Diocesan bodies have a distinct role in church schools. There is overlap with all of these parties and the DfE's Regional Directors (formerly Regional Schools Commissioners) who take key operational decisions delegated to them by the Secretary of State for education.

6.39 Transition for Pupils

A number of responses reference concerns about the transition for existing pupils if this proposal were to proceed. Some of the concerns raised were related to the education of the pupils and how this could be affected by the change. Other concerns included the wellbeing of the pupils and the general transition from one place of education to another, including for children with Special Education Needs and/or Disabilities.

- 6.40 Several comments specifically referenced concerns about the disrupted education pupils currently in education have already experienced due to the COVID 19 pandemic. Some other responses generally thought that change of this type was disruptive to the education of pupils.
- 6.41 Response  
It is acknowledged that there have been unique challenges to the education of pupils over the last three years and schools have worked hard to minimise the impact. The Governing Board have had regard to the needs of the pupils across the area in coming to their decision to request this proposal. It is considered that the proposal sets out the rationale for providing an improved, high-quality education offer for current and future pupils in the area and that this is a significant factor. As described in 6.12, Governors and school leaders are committed to minimising any disruption by careful planning and working to support pupils through this period of change and are seeking a longer transition period between decision and implementation, however they are mindful of the need to avoid a delay due to the issues already set out about pupils numbers and the impact on finances.
- 6.42 School leaders have described how the current Year 10 pupils will be able to complete their academic studies and sit their examinations without interruption. Key Stage 3 (Years 7 to 9) will begin to transition to the curriculum model for the newly amalgamated school at the earliest opportunity. Due to the partnership, the two schools have some subject areas such as Maths and English that already have the same curriculum model. However, if approved, the year before the amalgamation implementation would be used to:
- allow time for other curriculum areas to work on revising and adapting to a new curriculum model ready for September 2024.
  - allow current Year 10 pupils to complete their current courses and examinations without disruption of moving sites.
  - allow for planning of transition for pupils with SEND or mental health needs to be planned and conducted over a longer period of time in consultation with pupils and parents/carers
  - provide leaders and staff time to compose policy and procedure for the newly amalgamated school such as behaviour, pastoral support, assessment and curriculum.
  - provide leaders and staff time to complete curriculum design and prepare for implementation
  - provide an opportunity for Open Evening/Day events for all parents/carers of pupils in *all* year groups to the newly amalgamated school.
- 6.43 Concerns about mental health of pupils  
A group of responses felt that the proposal could be damaging to the mental health of pupils and also that it would be more difficult for pupils to be supported with any mental health issues in a larger school.
- 6.44 Response  
The school leadership has set out how the academic year 2023/2024 will be used to plan a transition that allows for appropriate support to pupils with SEND or mental health needs. This would be planned and conducted over a longer period of time in conjunction with pupils and parents/carers where there are individual needs. The school leadership have also referenced that their new pastoral structure will be designed to give clear routes for pupils to access support of all kinds but particularly with any mental health concerns. They also referenced a new mental health support service they were accessing at both schools called Place to Be which would continue under an amalgamated school.

6.45 Special Educational Needs

A number of responses expressed concern regarding how an amalgamated school would meet the needs of the pupils at the school with SEND. Some specifically referenced positive and negative experiences that they were personally aware of within the existing schools.

6.46 Response

In sections 6.15 the general approach to minimising the disruption of education and planning the transition is addressed and particularly the responsibility that Governors and leaders will have to support pupils with SEN through change. Governors have described that as part of the creation of the amalgamated school there would be a pastoral and inclusion structure which would provide a larger team for pupils to be able to access dedicated members of staff who are responsible for pupil welfare, inclusion and targeted and specialist support. Leaders want to establish a pupil-centred inclusive school, where pupils are individuals and as a school community.

6.47 They have further identified that the proposal for one amalgamated school would see the work of the SEND Teams, Alternative Provision and the Targeted Mainstream Provision come together as part of an Inclusion Hub - this will provide intervention and ongoing support for all pupils but specifically those identified with more personalised needs. The federated governing board have prioritised inclusion as part of their transition planning - this builds on the joint Caedmon and Eskdale Special Educational Needs Coordinator meetings. For every child with an Education, Health and Care Plan naming either of the two schools, the amalgamation will be considered at the point of their annual review. Any queries or concerns can be discussed either with the School Special Educational Needs Coordinator, North Yorkshire Special Educational Needs Information Advice and Support Service (SENDIASS), or with the Council's SEND and Inclusion services if required.

6.48 Concerns about Pupil Safety and Wellbeing

A number of responses made reference to safety and wellbeing issues that they perceived that were already existing within the schools. These comments including comments made at the public consultation meetings included: safety, wellbeing, bullying, behaviour and attendance. Some responses argued that if these issues were happening in an existing school, then the issues would be exacerbated in a larger school.

6.49 A number of responses and attendees at the public consultation meeting reported that there were long waits for school dinners at Caedmon College and that there was often not enough food on offer to cater for all the current pupils. The suggestion was made that more pupils being added to Normanby site would intensify this issue.

6.50 Response

During the public meeting, council officers confirmed that they would explore these issues further with the school and then ensure the school were providing a response to parents. A team of council officers carried out a short-notice, dedicated visit to the school to monitor and seek assurances in relation to the issues raised. A range of monitoring activities were undertaken that included:

- Discussions with school leaders and governors
- Meetings with Designated Safeguarding Leads (DSLs)
- Scrutiny of the schools' websites and documentation relating to safeguarding including policies and governing body minutes
- Scrutiny of the PHSE curriculum
- Lesson visits – PHSE and tutor time
- Student Voice



- Staff Voice
- Observation of students arriving, departing and at social times
- Tour of the school sites

6.51 Key findings

In line with the requirements of Keeping Children Safe in Education 2022 a named individual on the governing board has strategic leadership responsibility for safeguarding. The safeguarding governor is knowledgeable about safeguarding and understands the strategic nature of the role. The Governing Board has ensured that a senior member of the schools' senior management team is designated to take lead responsibility for safeguarding and child protection. The governing board have ensured that appropriate status, time, and training has been given to the schools' Designated Safeguarding Leads (DSLs) to carry out the role effectively. Staff know who the Designated Safeguarding Lead is and how to report a safeguarding concern.

6.52 Statutory policies are in place. The schools have an effective Child Protection Policy that has due regard to Keeping Children Safe in Education 2022 and the local safeguarding partnership. Safeguarding training at both schools is undertaken in line with statutory requirements. Staff know the contextual safeguarding risks that students face. The PHSE curriculum at both schools has been planned in response to known contextual safeguarding risks.

6.53 All students spoken to during the pupil voice activities said that they felt safe in schools and that they were confident there was a trusted adult in school who they could talk to if they had concerns or were worried about something.

6.54 Following discussions with leaders, the Caedmon College policy relating to the use of mobile phones is set to be reviewed and consideration of the management of some areas of Eskdale School site are being reviewed. Further work will be undertaken at school leadership level to ensure that sufficient levels of adult supervision at both schools are in place, though this presents a challenge at times due to the size and nature of the school sites and the number of staff available for supervision.

6.55 Students demonstrate a secure understanding of what bullying is and of the different types of bullying that they might encounter. Rarely were students aware of any incidents of bullying in the school. All students spoken to felt confident that staff would tackle any bullying robustly. This view aligned with a comment in the public meeting made by a parent about her own experience of how one of the schools managed a bullying concern that had subsequently been successfully resolved.

6.56 The behaviour of students on all sites is calm and orderly. There is some occasional boisterous behaviour in open spaces, but nothing unsafe.

6.57 Relationships between staff and students are strong, and behaviour is helped by a culture of trust, nurture, and care. Staff know the children and young people well. Leaders have prioritised support for students' mental health and well-being. For example, the Place to Be counselling provision for students.

6.58 Both schools have procedures in place to manage attendance, lateness, and student absence.

6.59 Leaders report that vapes continue to pose a challenge. They are working with a number of community partners to address concerns.



- 6.60 Students stated that there was plenty of choice of food and that there were options for where they could eat. Leaders explained that a printout of students' food purchase over time is available to parents and carers on request and that this can also be accessed directly via a parent app. Council officers visited the canteen at Caedmon College at different times over the two-day period and did not observe any long waits for school dinners.
- 6.61 In summary, leaders, including governors, demonstrate a strong commitment and are working hard to safeguard children and young people.
- 6.62 Traffic, Transport and Road Safety  
A number of responses expressed concern about the impact of the additional pupils on the traffic around the school. Concerns included the safety of pupils walking to the site and referenced that the pupils would have to walk across the 'New Bridge' and also cross Prospect Hill/Mayfield Road. Other responses mentioned the buses holding up traffic on Mayfield Road as they stop on the carriageway and also parents dropping off and collecting children causing problems in local streets. An additional issue raised was whether the proposals could risk the viability of the Esk Valley train line.
- 6.63 Response  
The Council provides free school transport from home to the catchment school or nearest school if it is over the walking distances set out by law. These proposals will lead to only the most marginal increase of home to school transport vehicles on Caedmon School's Normanby site. There are currently 11 home to school transport services that serve the two schools. Nine of these services are shared and serve both schools. The Council's current assessment is that the proposed amalgamation and technical closure of the Eskdale site would require 10 home to school transport services to serve the amalgamated school. It should be noted that the Normanby site has operated with significantly more pupils previously. In 2002/3, for example, there were more than 960 pupils on roll at the site, which was then a 14-18 school. Parents have a role to play in reducing congestion and increasing pupil safety and are responsible for parking safely around school sites. This proposal would be implemented in September 2024, if approved, and part of the work between then and now will be to discuss the implications of this proposal with the Council's highway department to see if any appropriate improvements to the local highway infrastructure need to be made.
- 6.64 It is not proposed to alter the current transport arrangements for pupils who currently use the Esk Valley line for home to school transport so there will be no impact on the railway line as part of these proposals.
- 6.65 Housing  
Some consultees said that with new housing estates being built, there will be more children needing school places in the next decade. Questions were asked about the methodology of the Council's forecasting.
- 6.66 Response  
There are currently 1054 11-16 year old pupils in the two Whitby secondary schools. By 2034/5, this is forecast to fall to 882 11-16 year olds. Birth rates in the Scarborough district have fallen by about 16 per cent over the last seven years and the Office for National Statistics forecasts do not suggest that they will recover over the next fifteen years. There are currently 407 outstanding planning permissions and existing Local Plan allocations for new housing that could generate an additional 62 secondary-aged children. This is based on the standard pupil yield factor applied for all North Yorkshire schools, of one secondary-aged child from every eight houses. These pupil yields are derived from

recent local housing developments across the County, as set out in the Council's Developer Contributions for Education policy. This policy was last reviewed in 2020.

6.67 Potash mine

Some consultees thought the opening of the new potash mine near Whitby would increase the need for secondary school places in the town.

6.68 Response

In October 2015 planning permission was granted for development of a new polyhalite mine in the North York Moors National Park. The mine project, now known as Woodsmith Mine, is being developed by Anglo American and has been set up to extract mineral from two deep seams of polyhalite (a form of potash for use as an agricultural fertiliser) which lie beneath the National Park and extend eastward underneath the North Sea. The mine head site is to the south of Sneaton, near Whitby.

6.69 In its planning application, the applicant stated that the Potash project as a whole would have an operational workforce of 701 in Phase 1 and 1,039 in Phase 2. It is expected that workers would come to the various sites from within a 'travel to work area' of up to 90 minutes. The company aims to recruit locally for the operational period as far as possible and has set a target of 80% local labour by Phase 2. The applicant commented that the demand for accommodation from workers would be dispersed across a wide area and noted there are 277,350 dwellings within the travel to work area. In the context of this many homes and the natural 'churn' of the housing market, it was suggested that the demand for additional housing would be negligible. Planning Officers accepted that in-coming households would be likely to seek accommodation in Scarborough, Ryedale and Teesside and the additional pressures would be dispersed across a wide area.

6.70 When Scarborough Borough Council prepared its Local Plan and adopted a new housing target, that was based on an assessment of housing need which also looked at economic forecasting including major employers such as the Potash Mine. Taking this and other relevant evidence into account, the then Borough Council allocated sufficient housing to meet the identified needs for housing growth up to 2032 including in Whitby. The Council has included pupils generated from housing proposed in the Scarborough Local Plan in its forecast projections of school places in Whitby. Further work on housing and employment forecasting will take place as the new unitary, North Yorkshire Council moves towards preparing a new Local Plan for North Yorkshire.

6.71 Uniform

Concerns were raised about the cost of new uniforms, should the schools amalgamate.

6.72 Response

Should the proposal be approved, the Whitby Secondary Partnership intend to consult with students and parents/carers on the uniform for the newly amalgamated school. This will also include looking at any branded PE/Sports wear. They will ensure that the new uniform meets the guidance shared by the DfE for reducing the cost of the overall uniform.

At their meeting on Friday 24 March 2023, following a petition being presented to them, the Scarborough and Whitby Area Constituency Committee of the Council passed a motion to recommend to the Executive that: *'If the statutory organisation proposals for amalgamation of Caedmon College & Eskdale School & technical closure of Eskdale school consultation results in amalgamation, the Scarborough & Whitby Constituency Committee recommends to the Executive that the Local Authority will allocate funding to put in place support measures, including financial support for such extra costs as uniforms, to assist parents and students during the transition.'* This recommendation from the Area Constituency Committee requires Members to consider this in conjunction with these proposals.

6.73 Maritime Academy

Some responses questioned whether the proposed Maritime Academy would be better located on the school site or whether the funding for that provision could be spent on the secondary school instead.

6.74 Response

The proposals prepared by Scarborough Borough Council set out that 'A new Maritime Skills Academy will be established at Endeavour Wharf, capitalising on diversification of maritime career opportunities. The academy will provide training and certification to support the maritime, offshore and renewable energy sectors and provide commercial space for stakeholder businesses and start up businesses to establish'. In addition, the business case includes the Maritime Academy for use as a Harbourmaster's Office, Tourist Information Centre and commercial maritime activity due to the central location of the hub and benefitting from the harbourside location. The Towns Deal funding was allocated on the basis of this business case.

6.75 3G pitch

Many responses expressed concern about whether this proposal would mean the loss of the 3G pitch and sports pitches at Eskdale which they valued as local facility. The Secretary of a local football club said that their club provides football for over 200 junior players across 14 teams plus 60 adult players over 2 teams and they use the facility for both training during the week and match play at the weekends. He felt that if this facility was to be removed it would impact greatly on their club and the subsequent physical and mental health of people in the town. Some responses saw the presence of this facility at Eskdale as a key reason to keep the school site operational.

6.76 Response

Decisions about the future use of the Eskdale site would be taken after the determination of the amalgamation proposal. However, the Council will work with all groups using the pitch to ensure all information is taken into account when considering the future use of the site and specifically the pitch.

6.77 From 1<sup>st</sup> April North Yorkshire Council has been responsible for the provision of leisure facilities as a unitary authority. Discussions between officers and local partners would take place with a view to continuing the provision of sports facilities on the current Eskdale School site, if this proposal were to proceed.

6.78 Section 6.3 sets out why Governors have proposed the use of the Scoresby and Normanby sites rather than retaining the Eskdale site for their proposal.

6.79 Future of Eskdale Site

Several responses stated that they believed the Eskdale site had been sold to developers or would be sold in the future. Some responses clearly believed that the sale of this site and a capital receipt were the reason for this proposal being put forward. Also related to this issue were responses setting out the need to retain green space in Whitby. A question was raised about the impact on carbon neutral targets.

6.80 Response

The Governing Board of the Whitby Secondary Partnership asked the Council to consult on this proposal which includes the closure of the Eskdale School site. Any decisions about the future of the site including the buildings, playing fields and 3G pitch, would not be taken until any final decision regarding the amalgamation of Caedmon College Whitby and Eskdale School. The future of the site, including an assessment of sports and communities' facilities, green space, biodiversity and other requirements, would be considered as part of a separate process which would not be carried out until a final decision has been reached

on this school organisation proposal. A separate Climate Change Impact Assessment has been carried out and is available as Appendix 7 to this report.

6.81 Equality Impact Assessment

Concerns were raised about whether an Equality Impact Assessment had been carried out as part of the consultation.

6.82 Response

There is a legal duty to pay due regard, pursuant to section 149 of the Equality Act 2010:

*A public authority must, in the exercise of its functions, have due regard to the need to—  
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

6.83 This process to pay due regard commenced as soon as the Governing Board approached the Council in December 2022 and as part of this process, an Equality Impact Assessment is published as Appendix 6 to this report.

6.84 Conclusion

Officers acknowledge the issues and concerns raised in response to this proposal, as set out above and also the comments that have been received in support of the proposal. Governors have set out their vision for a single amalgamated school for Whitby and they have referenced low numbers, financial challenges and an imperative to provide a high-quality education to the pupils of Whitby. Many of the concerns expressed in response to the consultation agreed that change was necessary to meet these challenges but clearly disagreed that the proposal being consulted upon was the correct route to do so. Officers do not believe that any of the concerns require that the proposal should not proceed. The most significant issues raised with regard to the proposal included the arrangements for pupils' educational transition, including the wellbeing of pupils and the support that will be available for all pupils but particularly those with Special Educational Needs. These issues would be key priorities for the school leadership if this proposal proceeds.

6.85 The original request from Governors was to consult based on closure from August 2023, but given the concerns raised prior to the consultation commencing, the proposed date of implemented was revised to August 2024. Governors believe that having a year between a final decision being taken and the implementation of these proposals would ensure successful implementation and good outcomes for pupils. Where relevant, Council officers will work with the schools to support the transition.

## 7. PROPOSAL

7.1 The proposal is to amalgamate Caedmon College Whitby and Eskdale School resulting in the technical closure of Eskdale School and the Eskdale site, and increase the planned admission number for the amalgamated school with effect from 1 September 2024. The current admission number for Caedmon College Whitby is 184 and the proposed admission number for the newly amalgamated school will be 240. The full statutory proposal is set out in Appendix 1A.

7.3 The proposed timetable would be:  
27 April 2023

Publication of Statutory Proposals

25 May 2023	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
20 June 2023	Final decision by the Council's Executive
31 August 2024 & 1 Sept 2024	Proposed date from which Eskdale School would technically close and the newly named amalgamated school would begin to operate

## **8. FINANCIAL IMPLICATIONS**

### **8.1 School revenue funding**

Any annual savings to the Dedicated Schools Grant arising from the closure, if approved, would remain within the ring-fenced Dedicated Schools Grant as part of the funding for all schools. Any surplus revenue or capital balances in the event of a school closure would be allocated in line with the Closing School Accounting Policy.

8.2 Where in the funding period, a school has been established or is subject to a prescribed alteration as a result of the closure of a school, a local authority may add an amount to the budget share of the new or enlarged school to reflect all or part of the unspent budget share, including any surplus carried over from previous funding periods, of the closing school for the funding period in which it closes.

### **8.3 Transport costs**

Due to the proximity of the two schools, there are unlikely to be significant variance in the transport costs compared to current expenditure. Eligibility for Home to School Transport would be assessed against the current legislation.

### **8.4 Use of budget on school improvement**

Governors have stated that any strategy to address the low pupil numbers and financial challenges without moving to become one school across two sites would hamper educational and curriculum improvement. Continuing to spend disproportionate amounts of their budget on premises costs across three sites would divert valuable budget away from the delivery of high-quality education.

8.5 Furthermore, governors are concerned that delaying making this proposal would make it necessary to take on other measures to meet financial challenges and Governors could not justify short term cost saving measures which they believe would impact high quality education when they believe that there was a long-term sustainable model available.

## **9 LEGAL IMPLICATIONS**

9.1 The Education and Inspections Act 2006 and the School Organisation regulations and guidance<sup>1</sup> set out the processes involved in publishing school closures. Careful regard has been had to these provisions.

## **10 HUMAN RESOURCE IMPLICATIONS**

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

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<sup>1</sup> School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; Department for Education statutory guidance Opening and closing maintained schools (January 2023) and Making significant changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision makers (January 2023).

## **11 EQUALITIES IMPLICATIONS**

- 11.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached (Appendix 6).
- 11.2 The purpose of the consultation and proposed decision is to ensure that the children are provided with the best secondary education provision in the Whitby area in a sustainable, stable and effective manner. Whilst it is recognised that there may be adverse impact upon those with protected characteristic of having Disability, particularly during the immediate period after the decision, the proposal has potential for more positive impacts, including a larger combined Inclusion resource, combined SEN expertise and the opportunity for a more efficient use of SEN funding, that will result if these proposals are implemented. As these proposals develop any adverse impacts will be carefully monitored, and all reasonable mitigations will be taken. In addition to the

## **12 CLIMATE CHANGE IMPLICATIONS**

- 12.1 A Climate Change Impact Assessment has been undertaken in respect of this proposal and is attached (Appendix 7).

## **13 NEXT STEPS**

- 13.1 It is proposed to publish proposals and statutory notices on 27 April 2023 (Appendices 1A and 1B). The proposals would be published on the Council's website and the statutory notice would be published in a local newspaper and displayed at the main entrance to the schools. These would provide four weeks representations to be made to the Council, by 25 May 2023.
- 13.2 The Executive agreed a model for decision-making on school organisation proposals on 25 September 2007. If approval is given to publish statutory proposals and notices, it is proposed that a final decision is taken by the Executive on 20 June 2023.

## **14 RECOMMENDATIONS**

- 14.1 It is recommended that:
- i. Statutory proposals and notices be published on 27 April 2023 proposing the amalgamation of Caedmon College Whitby and Eskdale School resulting in the technical closure of Eskdale School and the Eskdale site from 31 August 2024, and an increase in the planned admission number for the amalgamated school with effect from 1 September 2024.
  - ii. The Executive schedule taking a final decision on these proposals on 20 June 2023.
  - iii. The recommendation from the Area Constituency Committee be noted - if the decision is made to proceed with these proposals the Executive will be required to consider the recommendation in conjunction with these proposals at the appropriate time if the proposals are published and this returns for a decision to close the school on 20 June 2023.

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

### List of Appendices

Appendix 1A Draft statutory proposals  
Appendix 1B Draft statutory notice



Appendix 2 Published consultation document  
Appendix 3 List of consultees  
Appendix 4A Notes of the 12:30 public consultation meeting  
Appendix 4B Notes of the 18:30 public consultation meeting  
Appendix 5A Consultation responses submitted during the consultation period  
Appendix 5B Correspondence sent to the Executive Member for Education, Learning and Skills  
Appendix 5C Consultation responses submitted by Town and Parish Councils, Annual Assemblies  
and Trade Unions during the consultation period  
Appendix 5D Correspondence sent to council officers  
Appendix 5E Whitby Secondary Partnership Vision Statement  
Appendix 5F Keep Choice in Whitby, Save Eskdale School response  
Appendix 6 Equality Impact Assessment  
Appendix 7 Climate Change Impact Assessment  
Appendix 8A Frequently Asked Questions 1  
Appendix 8B Frequently Asked Questions 2

Background documents

Report – Corporate Director Meeting with Executive Members CYPS, 7 February 2023  
Report – Scarborough and Whitby Area Constituency Committee, 24 March 2023