

# NORTH YORKSHIRE COUNCIL

## THE EXECUTIVE

30 May 2023

### PROPOSAL TO CEASE TO MAINTAIN SKELTON NEWBY HALL CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL

#### Report of the Corporate Director for Children & Young People's Service

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## 1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to determine the proposal to cease to maintain Skelton Newby Hall Church of England, Voluntary Controlled Primary School with effect from 31 August 2023, together with the future arrangements for the School's current catchment area.
- 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 has changed to North Yorkshire Council. For the sake of clarity, the Council will be used.

## 2 EXECUTIVE SUMMARY

- 2.1 On 21 March 2023 the Executive approved the publication of statutory proposals to close Skelton Newby Hall CE VC Primary School with effect from 31 August 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 30 March 2023, giving 4 weeks until 27 April 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 Responses to the Statutory Proposal
  - Appendix D School Organisation Guidance for Decision-makers
  - Appendix E Climate Change Impact Assessment
  - Appendix F Equality Impact Assessment
  - Appendix G Catchment area map

## 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 guidance<sup>1</sup>. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the North Yorkshire Council's Executive and Executive Members) acting as decision-makers.

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<sup>1</sup> School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education statutory guidance Opening and closing maintained schools (January 2023).

## **4 PROPOSALS**

4.1 North Yorkshire Council proposes:

- a) To cease to maintain Skelton Newby Hall CE VC Primary School from 31 August 2023.
- b) That the catchment area of Kirby Hill CE VC Primary School should be expanded with effect from 1 September 2023 to serve the area currently served by Skelton Newby Hall CE VC 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 as part of the statutory proposals.

5.2 On 21 March 2023, 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 30 March 2023. The public notice, placed on the school gates and in the Harrogate Advertiser Series and the Ripon Gazette newspaper, invited written objections or comments to be submitted by 27 April 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 Council's website. A copy of the proposal can be found at Appendix A.

6.2 Following the publication of the Statutory Notices, 25 comments were received by the end of the notice period on 27 April 2023. A copy of the submissions can be found at Appendix C, these comments have been anonymised.

## **7 ISSUES RAISED AND RESPONSES TO STATUTORY PROPOSALS**

7.1 There were 25 responses received to the publication of statutory proposals. A number of the respondents had also made submissions to the previous consultation. Many of the responses raised issues that accord with the key issues raised during the previous consultation and were addressed in the report to the Executive on 21 March 2023. Appendix C shows the full responses to the statutory proposals.

### **7.2 The Skelton Newby Hall School Site**

A number of respondents stated that the school site was situated in an idyllic setting in 1.5 acres and that closure of the school would mean the loss of a vital resource to the community. There had been a school on the site for 150 years. Facilities at Skelton Newby Hall School had in recent years seen improvements both internally and externally to the extensive outdoor play area, some of which is suitable for Forest School provision.

7.3 A member of the community commented that very recently an 'explorer day' had taken place at the school which included some other local primary schools confirming the need that other local schools do not have the site facilities that are available at Skelton Newby Hall School. One parent said they should be able to access a local school for their children in the rural environment they choose to live in. It is important they should be part of the social group of the village.

7.4 One respondent said that the school should be re-established as a standalone, self-led independent entity, or set up as a nursery or location that would support a forest school programme.

7.5 Response

The above points were raised during public consultation and addressed in the report to the Executive on the 21 March 2023.

7.6 The value of the Skelton Newby Hall Primary School site and its outdoor learning area is recognised. The benefits of the site alone have not however been sufficient to attract parents to bring their children to the school, resulting in only nine statutory aged pupils and one nursery child on roll in September 2022. Pupil numbers have now reduced further to one child, who is currently educated at Sharow CE VC School alongside peers.

7.7 The school building and site is not owned by the County Council. The owners will take decisions about the future use of the school site and building, including the potential for an independent education provider, after the closure proposal has been determined.

7.8 Leadership, governance and the Local Authority's role in addressing issue of declining numbers at the school

A number of responses said that School was successful as a stand-alone school, being part of a federation had caused its demise and the school had not been given the care it warranted. A comment was received that 'being the smaller of two schools, Skelton Newby Hall fell into a shadow in the partnership'.

7.9 One respondent said that a 'Requires Improvement' Ofsted judgement for Skelton Newby Hall CE VC in 2020 added to the exodus of children as, understandably, parents sort the best primary education for their children. This included children within Skelton itself and the view of the respondent was that sadly no questions appeared to have been asked as to why this happened.

7.10 It was commented that the declining numbers at the school needed to be addressed much earlier and that there have been failings from the Local Authority, Diocese and the Federation.

7.11 One respondent said that given there are 26 primary children in the school's catchment area, it was felt this should be a good foundation for a viable school.

7.12 Some respondents said that the school was perceived locally as a 'Special School' due to the additional educational needs of some of the children attending the school. Attendance and behaviour standards fell over time and progressively parents of existing pupils removed their children.

7.13 One respondent said the federated governing body did not include governor representations from the Skelton Newby Hall School community and the decision to consult on a closure proposal was therefore taken with no accountability to the Skelton Community.

7.14 It was felt that too many small schools are being lost and questioned if this was a policy being followed by NYC. One respondent said there is a growing need for a suitable environment for children who are at larger schools that have emotional and mental health needs that cannot be met by many schools.

7.15 A number of respondents said that marketing of the school had not been effective and particularly to the new builds in the area. Some respondents felt that the school did not actively and enthusiastically try to recruit more pupils to the school. Adding to previous comments made during the consultation period, the Parish Council of Skelton Cum Newby said that latterly, there had been a 'managed dispersal' of pupils at Skelton Newby Hall School into other schools. The Parish Council said the 'lead school' of the Federation in Sharow had recently been downgraded to 'Requires Improvement' with '50% of the categories marked as 'Requires Improvement' including leadership and management'.

- 7.16 Response  
Many of the above points were raised during public consultation and addressed in the report to the Executive on the 21 March 2023, and again are responded to below.
- 7.18 Governors feel that they were active in their collective efforts to raise numbers at the school through many initiatives including the introduction of nursery provision in September 2019, which attracted some children to the school, although numbers have been small. Marketing of the school has included the distribution of flyers to new builds in the area, and investment in the school's website. Leaders and Governors continue to maximise the range of shared experiences through the Federation. Support has been provided by the LA School Improvement Team, and since the start of the Autumn term, governors and leaders have accessed support from an experienced National Leader in Governance. The federated governing body had worked very hard to recruit governors. In a federation, governors represent all schools within a federation rather than individual communities. No responses to the consultation have been received from other local schools offering federation or alternative arrangements to allow Skelton Newby Hall School to remain open.
- 7.19 Sufficiency of Early Years Provision  
Skelton Cum Newby Parish Council commented that Roecliffe CE Primary School has a waiting list for places in the early years nursery. This has restricted the flow of pupils up the age groups.
- 7.20 Response  
NYC has a variety of childcare providers offering flexibility and a range of childcare provision. The childcare market includes Ofsted registered PVI providers (i.e. private day nurseries, preschools/playgroups, childminders, childcare on domestic premises), maintained schools and academies with nursery provision, maintained nursery schools and independent schools with nursery provision.
- 7.21 The pupil forecast figures provided as part of the report to Executive Members dated 13 December 2022 did not contain nursery numbers, the numbers provided represent statutory aged pupils only. However, the Council does receive NHS GP data that supports pupil forecasting to anticipate the rise and fall in the number of children starting school and to plan the number of school places accordingly.
- 7.22 Data from the Office of National Statistics show that the birth rate in the local area is falling and NHS GP registrations in the area suggest that there are lower numbers of pre-school children than those currently of primary school age. Any growth in pupil numbers from those moving into new housing are therefore being mitigated to some extent by the falling birth rate.
- 7.23 On 4 May 2023 the availability of early years/nursery places in both the private and public sectors of Boroughbridge and surrounding areas (including Roecliffe) was checked by NYC officers. This found that there is limited availability for the Summer term 2023 in most provider settings. There is no current availability for the Summer Term at Roecliffe CE Primary School nursery. However, there is availability at Happy Little Hedgehogs, a private day nursery, for children of all ages for the Summer Term 2023 and for September 2023.
- 7.24 Availability of places for the Summer term is in line with expectations at this time of the year, however availability does exist, though this may not necessarily be parental first choice of provider. There is more availability across the sector in the Boroughbridge area including Roecliffe in the Autumn Term 2023 and this is consistent with national trends when children transition to school each September.
- 7.25 The waiting list for the early years' nursery provision at Roecliffe CE Primary Academy School would not have restricted the flow of pupils up the age group as referenced by

Skelton Cum Newby Parish Council. All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by admission authorities and as an academy school, Roecliffe CE Primary School is its own admissions authority.

- 7.26 A planning application has been submitted for a new early years children's nursery at Minskip near Boroughbridge offering 74 full day places for children aged 0 to 5 years. The proposed setting would be open 51 weeks a year and the curriculum would be based around the 'Curiosity Approach' and 'Forest School' programme.
- 7.27 The Council recognises the demand for nursery places in the Boroughbridge and Roecliffe areas, alongside the government's agenda for the extension of free childcare offer to support working parents of all children from the age of nine months as announced in the Spring 2023 budget. The council continues to monitor sufficiency of early years places across the county.
- 7.28 Sufficiency of school places  
Several respondents stated they were concerned over the shortages of primary school places in the area. One respondent said the proposed closure could mean having to provide extra capacity or a new primary school in Boroughbridge. Others said that schools in the area are reporting a different story to NYC regarding sufficiency of places in the local area, and that there is not one school in the area with places across all year groups.
- 7.29 The Skelton Cum Newby Sustainable Plan in Appendix C1 references the shortage of capacity that they consider already exists in the area and state that with more demand to come from new housing there is a sustained need for capacity in the area.
- 7.30 Response  
Information on school places was submitted for consideration to Executive Members in a report on 13 December 2022. It was subsequently available as part of the consultation on the Council's consultation website and provided as part of the presentation at the public meeting held on 17 January 2023.
- 7.31 Many of the responses to the statutory proposal regarding sufficiency of school places were raised during the public consultation period and addressed in the Executive Report dated 21 March 2023.
- 7.32 The number of children living in a school's catchment area will change as families move into and out of the area. An allowance of potential additional primary aged school children generated by current housing permissions are included in the forecasts of future pupil numbers. Within the wider area, it is currently anticipated that there are potentially 188 additional pupils expected to join across the five nearby schools until 2027/28. In order to assess the long-term demand arising from a new development, the build out rates of new housing are monitored carefully. The Council use the following pupil yields: Primary Schools (aged 4 to 11) – 0.25 children per dwelling, Secondary Schools (aged 11 to 16 or 11 to 18) – 0.13 children per dwelling The pupil yields are derived from recent local housing developments across the County. Further information relating to Developer Contributions for Education policy can be found at the Council's website.
- 7.33 Boroughbridge Community Primary School has for the first time in several years become fully subscribed for September 23 entry. However, analysis of the 36 pupils allocated to Boroughbridge Community Primary School for September 2023, shows that just under half of the pupils allocated (17) were from the Boroughbridge Community Primary School catchment area. 17 pupils allocated were out of catchment (15 of these pupils were from the Kirby Hill CE catchment area). The remaining two pupils allocated were from other priority admission criteria groups. No pupils were allocated to the school from the Skelton

Newby Hall CE catchment area. Kirby Hill CE School is not fully subscribed for entry in September 2023.

- 7.34 It is recognised that a proportion of the out of area pupils attend Boroughbridge Primary School from Kirby Hill CE school catchment area. Similarly, there are pupils attending Kirby Hill CE School from Boroughbridge Primary catchment areas and this is due to the close proximity of the two schools, bordering catchment areas and parental preference. Historically both schools have taken very small numbers of pupils from the Skelton Newby Hall School catchment area and vice versa.
- 7.35 Analysis of the October 2022 pupil census data showed that out of the 184 Reception to Year 6 pupils on roll at Boroughbridge Community Primary, 113 (61%) attended the school from the school's catchment area, 52 (25%) attended from Kirby Hill's catchment areas, 4 pupils (2%) attended from Skelton Newby Hall's School catchment area. The remaining 15 pupils on the school roll attended from wide range of other school catchment across Harrogate/Knaresborough/Ripon areas and as far afield as Leeds and Wakefield. This data demonstrates parental choice across the school system and that Boroughbridge Community Primary School is not currently full in terms of pupils from its own catchment area.
- 7.36 Further analysis of the October 2022 census data for Boroughbridge Community Primary shows that 260 primary aged children lived in the Boroughbridge Community School catchment area and attended a North Yorkshire School. Out of the 260, 113 pupils (43%) attended Boroughbridge Community Primary School, 27 pupils (10%) attended Kirby Hill CE School, 26 (10%) attended Marton Cum Grafton and 21 pupils (8%) attended Roecliffe CE Primary School.
- 7.37 Analysis of the October 2022 pupil census data from Kirby Hill CE School shows a similar picture to Boroughbridge Community Primary School in that out of the 104 pupils on roll (Reception to Year 6) 53 (51%) of pupils attend from the school's catchment area. 27 (26%) attend from Boroughbridge Primary Community School catchment school area, 3 pupils (25%) attend from the Skelton Newby Hall CE VC catchment school area. The remaining 24 pupils attend the school from across the Ripon, Harrogate and Dishforth areas.
- 7.38 Further analysis of the census data for Kirby Hill CE School shows that 160 pupils were living in the Kirby Hill CE catchment area and attending a North Yorkshire School, 53 (33%) attend Kirby Hill CE Primary School and 52 (32%) attend Boroughbridge Primary Community School. 22 (13%) attend Roecliffe CE Primary School. This data demonstrates parental preference across the school system and that Kirby Hill CE School is not currently full in terms of pupils from its own catchment area.
- 7.39 In summary, there is capacity currently available within other schools in the local area as noted in the report to Executive Members in December 2022, although not in every year group in every school. Eight pupils from Skelton Newby Hall School have been able to secure admission to alternative local schools in the period since the closure consultation was announced.
- 7.40 Boroughbridge Community Primary School's primary purpose is to serve the local community of Boroughbridge. Currently the school takes 61% of its pupils on roll from the school's catchment area and this percentage is likely to increase as housing is built out. The technical difference in the view of existing capacity at the school (note submission number 23 in Appendix C1) is a consequence of how the existing spaces are utilised to best serve the existing numbers in school. Irrespective of any point of difference on this issue, officers recognise there is a growth scenario for Boroughbridge Primary School due to the potential impact of planned housing development, and this is independent of any considerations around the capacity that may or may not be available in future at Skelton Newby Hall. The Council has secured s.106 developer contributions for the purpose of expanding Boroughbridge Primary School and is currently working with the school to

consider both short and long-term improvements to facilities that would result in greater capacity. The strategy discussed with the school leaders would be to ensure that there are sufficient places in Boroughbridge Primary School to satisfy demand from the Boroughbridge catchment. It would not be considered appropriate to have to rely upon places at Skelton Newby Hall to serve Boroughbridge residents.

7.41 Current forecasts for Kirby Hill CE School show that the anticipated pupils arising from remaining housing development can be accommodated by the school.

7.42 Current Catchment

Respondents felt the current catchment area for Skelton Newby Hall CE VC School was 'spurious and too rigid', with many respondents stating that it is important that the area stays in the Ripon catchment area for transition to secondary pupils rather than Boroughbridge. Some respondents added that it could affect house prices if the current secondary catchment area was removed from the Ripon secondary catchment area. One family had specifically moved to the area in preparation to try and get their child into Ripon Grammar School. The issue of any proposed changes to future secondary catchment areas as a result of the proposed closure of Skelton Newby Hall School, has featured more prominently in responses to the statutory notices than the earlier consultation.

7.43 One specific concern raised was that the character of a community may not be properly understood by those who do not live within it. It was commented that the A1 forms a dividing line and the feeling of Skelton on Ure is very much that it is a part of the Ripon Area, not Boroughbridge. The River Ure has crossing points West and East of the village, precluding travel in a southerly direction. The current primary catchment area for Skelton Newby Hall School serves the village only, but secondary pupils are eligible for acceptance into Outwood Academy and Ripon Grammar School. Pupils from the village are also able to access the Harrogate secondary schools with existing bus services. It was commented that with the increase in housing developments in the local area, the demand for secondary school places in Boroughbridge will be increased, and therefore it was felt counterintuitive to change current arrangements.

7.44 Skelton Cum Newby Parish Council recommend that the best route to maintain the quality of education provision in the area is to not close Skelton Newby Hall Primary School, and propose retaining the school's existing catchment area which also allows the school to remain in the Ripon Grammar School catchment.

7.45 Response

The above points were raised during public consultation and addressed in the report to the Executive on the 21 March 2023, and again are responded to below.

7.46 As part of the consultation, the Local Authority invited comments on the proposal, should Skelton Newby Hall School close, that the catchment area of Kirby Hill CE Primary School would be extended to include the current Skelton Newby Hall Primary School catchment area.

7.47 With regard to suggestions that primary catchments should change size to support the school to remain open this would not have made any material difference to the number of pupils attending Skelton Newby Hall School. Parents from inside or outside the Skelton Newby Hall catchment could /can apply at any time for places at the school for their children.

7.48 The Church of England Diocese of Leeds is supportive of the proposed catchment area change, should Skelton Newby Hall School close.

7.49 The existing primary catchment area of Kirby Hill is in the Boroughbridge High secondary catchment area and the existing primary catchment area of Skelton Newby Hall is in the Ripon Grammar School /Outwood Academy Ripon catchment area. Should Skelton Newby

Hall School close and the Kirby Hill catchment be extended, then parts of the newly defined Kirby Hill primary school catchment area would be split across two different secondary school catchments.

7.50 It is important to note that this primary school closure proposal does not in itself change the existing parish-based secondary school catchment area for Ripon secondary schools. Therefore, should any change regarding secondary catchment areas be proposed in future it would require a specific separate consultation. There is no intention to consult on changes to local secondary catchment areas at this time. The relevant part of the existing Secondary catchment area is provided as a map at Appendix G.

7.51 Presumption against closure of rural schools

One respondent stated the Government guidelines published in January 2023 state that a rural school should not be closed unless it is in the best interest of the education provision in the area.

7.52 The Parish Council of Skelton Cum Newby highlighted the debate in parliament on Small and Village School Funding in 2019 citing that academically schools with less than 100 pupils are more likely than average to be good or outstanding but since 2010, 61% of schools which have closed have been rural schools. In the same debate, Rt Hon. Gillian Keegan MP (Con), now the Secretary of State for Education, said, "These schools are the beating heart of communities up and down the country. They offer the best education to young children, and they are the centre of all kinds of community activities. They ensure that our precious village life is maintained". The MP for Skipton & Ripon, Rt Hon. Julian Smith MP, had also written on 5 April to the Secretary of State for Education, Rt Hon. Gillian Keegan MP, to raise the concern around the closure of rural schools, which was raised by Conservative MPs when the Government first announced in 2016 an acceleration of the conversion of maintained schools into Multi Academy Trusts (MATs).

7.53 The Parish Council of Skelton Cum Newby stated that the community does not believe that the proposal to close Skelton Newby Hall Primary School meets the threshold for closure of a rural school set out by the Department of Education, as there is not sufficient pupil capacity in the area, as a standalone school it could be strong and viable, and the quality of education provision would be impacted by its loss. The community is therefore proposing a 'Sustainable Future Plan', which would also retain its position in the catchment for Ripon Grammar School details of which can be seen as part of the Parish Council's full response to the statutory proposals in Appendix C1.

7.54 Response

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

- the likely effect of the closure of the school on the local community;
- the proportion of pupils attending the school from within the local community i.e. is the school being used by the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;
- the availability, and likely cost to the LA, of transport to other schools;
- whether the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term);



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

- 7.58 All of the above points were considered in the draft Statutory Proposal by the Executive on 21 March 2023 and are attached as part of this report. Appendix A (statutory proposals for school closures).
- 7.59 The proposal put forward by the Parish Council for a Sustainable Future Plan (Appendix C1) has been considered carefully against the requirement (as part of the presumption against rural school closures) to take account of ‘any alternatives to the closure of the school’.
- 7.60 Whilst officer acknowledge this proposal by the Parish Council, it is the view of officers that the proposal does not provide a sustainable model for the future. There is now only one child on roll, who is due to move to secondary provision in September 2023. With no first preferences made to Skelton Newby Hall CE it followed that no pupils were allocated to the school on National Offer Day 17 April 2023. Pupil numbers determine the school budget. The likely position of no pupils on roll at October 2023 census, means that the school would not receive any per pupil funding for the 2024/25 financial year.
- 7.61 The issues regarding capacity in the area although addressed in the Executive Report dated 21 March 2023 are explored further under the Sufficiency of School Places section within this report at paragraph 7.4. There are five primary schools within a 4.5 mile radius of Skelton Newby Hall School by road. The view of officers is that currently there are surplus places in the local area which can accommodate ‘displaced’ pupils.
- 7.62 School already closed  
One respondent said the school had already closed before the official closing date in August and therefore is a foregone conclusion. Another respondent said it was a ‘fait au complet’.
- 7.63 Response  
The school has not closed and remains open until 31 August 2023, subject to the decision to be taken by the Executive on the 30 May 2023. Pupil numbers have now reduced to one and that child who is currently educated at Sharow CE VC School alongside peers.
- 7.64 Minutes of the meeting at which the decision was made to request consultation on closure of the school.  
A number of respondents have questioned the availability of minutes at which the decision was made to request consultation on closure of the school.
- 7.65 Response  
The Council does not hold minutes from school governing body meetings but is aware that respondents have requested these from the school.
- 7.66 Consultation Process  
One respondent considered the announcement by NYC to consult on the closure of Skelton Newby Hall School was not handled well. The respondent commented that, other schools then indicated to parents that if places were not taken at that time, then they were unable to guarantee future availability, and this resulted in only one pupil remaining on roll.
- 7.67 Officers’ Response  
Parents/carers and the Skelton Newby Hall Estate were notified on 22 November 2022 that governors, had with regret, asked the County Council to consult on closure proposals for Skelton Newby Hall CE Primary School.

- 7.68 The Parish Council, like other consultees, was sent a copy of the consultation document at the start of the consultation process. Officers are confident that a full and detailed consultation has been carried out.
- 7.69 It is correct that most parents /carers of remaining children moved at pace to secure alternative places for their children, as is their right to do so.
- 7.70 Independent enquiry  
Some respondents thought an independent enquiry regarding the proposed closure of the school site should take place with one respondent stating an enquiry should specifically look at why a thriving school went from nine pupils in September 2022 to one in February 2023.
- 7.71 Response  
It is unclear who would conduct such an enquiry. In Autumn 2022, for the reasons set out again in Section 11 of this report, the Governing Board felt it appropriate to ask the Council to consult on closure. Unfortunately, after hearing that news many parents/carers then exercised their right to transfer their children to other schools - this is not uncommon when a closure is actively being considered.
- 7.72 Conclusion  
Officers acknowledge 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.
- 7.73 The majority of issues raised in the responses to the Statutory Proposals were made during the consultation period and were considered by the Executive on 21 March 2023. Where additional issues have been raised, these have been considered in the responses above. The proposal from Skelton Cum Newby Council to maintain provision on the school site has been considered carefully by officers.
- 7.74 It is the view of LA Officers, that none of the issues raised in the responses to the statutory proposal affect the fundamental reasons for consulting on closure as set out in the December and March reports to Members. The school currently has one pupil on roll and there is no realistic prospect of any Reception pupils requiring a place for September 2023. The likely position of no pupils on roll at October 2023 census, means that the school would not receive any per pupil funding for the 2024/25 financial year. For these reasons officers recommend that the Council proceed with the closure process.

## **7 FINANCIAL IMPLICATIONS**

- 8.1 As set out in the report to Executive dated 21 March 2023, 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 As the only pupil currently on roll at Skelton Newby Hall School will move to secondary education before the proposed closure date, there would be no immediate transport costs.
- 8.3 Any pupils living in the current Skelton Newby Hall 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**

- 9.1 REGULATIONS AND GUIDANCE

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.<sup>2</sup> Careful regard has been had to these provisions.

## 9.2 PRELIMINARY CHECKS

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.

## 9.4 TYPES OF DECISION THAT CAN BE MADE

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 Council's 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 dated 13 December 2022 set out the key concerns and these issues were explored in further detail in the Executive Report on 21 March 2023. The latest position on these issues is summarised below.

### 11.2 Falling Roll

The critical concern is the fall in pupil numbers, which would inevitably result in an inability to provide the necessary breadth of curriculum experience and would also irrevocably undermine the school's future financial position.

### 11.3 The number of children at Skelton Newby Hall CE VC Primary School has been falling over the past few years. At the beginning of September 2021, there were 15 pupils on roll in the school plus two children in nursery. This was well below the capacity of the school which

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<sup>2</sup> See footnote 1.

could accommodate around 52 pupils. Marketing of the school has been a collective effort by governors, staff and parents though this has not had a long-term result. At the start of this academic year in September 2022, there has been a further fall in numbers and the school had nine statutory aged pupils and one nursery child remaining on roll. In February 2023, only one pupil remains on roll at Skelton Newby Hall CE VC School and is educated at Sharow CE VC School (Federated with Skelton Newby Hall CE VC School) alongside year group peers. In these circumstances, it would be difficult to sustain quality education.

11.4 There were no first preference applications made to the school for September 2023 and no pupils were allocated to the school on National Offer Day for primary schools. There is no realistic prospect of Reception pupils requiring a place for September 2023.

11.5 Maintaining Quality and breadth of Education for all year groups

The small size of the school and the very small number of pupils in each year group will limit the range of personal and academic challenges for pupils including opportunities for child-initiated play and interaction in early years. This is particularly the case now with only one pupil in total at the school and who is now educated at Sharow CE VC School.

11.6 The school was last inspected by Ofsted in March 2020, when there were 20 pupils on roll. The overall effectiveness was judged to be 'Requires Improvement' as were the four key judgements on the quality of education, behaviour and attitudes, personal development and leadership and management. The arrangements for safeguarding were judged to be effective.

11.7 The Ofsted Education Inspection Framework, introduced in September 2019, places significant weight on curriculum provision. Delivering a curriculum that has 'breadth and ambition' is a particular challenge for a very small school. For example, the National Curriculum for PE states that "pupils should be taught to play competitive games (for example, cricket, football, hockey, netball, rounders)". When the pupil count was in single figures (ranging in age from 5 to 11) it was very difficult for the school to provide meaningful opportunities for competitive sport. Teams were created only when the School was able to combine with another school, usually the federated school, or the School attended organized sports festivals so that children could compete in mixed teams created at such events.

11.8 One of the aims of English curriculum is that pupils 'are competent in the arts of speaking and listening, making formal presentations, demonstrating to others and participating in debate'. High quality age-appropriate debate is challenging to stimulate and maintain within a small number of pupils.

## 12 FINANCIAL POSITION

12.1 Pupil numbers determine the school budget. The latest financial forecast submitted to the County Council for Skelton Newby Hall CE Primary School indicates that the school will have an accumulated budget surplus position of £109.2k at the end of the 2022/23 financial year, £94.1k at the end of the 2023/24 financial year and £55.6k at the end of the 2024/25 financial year. The funding calculation in this forecast was based on 15 pupils in October 2021, 9 pupils in October 2022 and 11 pupils in October 2023. The position will be significantly worse now there is only one pupil at the school who will transition to secondary school at the end of this academic year, and there appears to be no reasonable prospect of recovery.

12.2 The pupil numbers for the October 2023 census form the basis of a schools' funding for the 2024/25 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.

- 12.3 The DfE have confirmed that if the LA were to fund the school into 2024/25, then only the lump sum and rates should be allocated.
- 12.4 It is the view of LA officers 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.
- 12.5 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.

### **13 HUMAN RIGHTS IMPLICATIONS**

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

### **14. OTHER IMPLICATIONS**

- 14.1 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 may 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.'
- 14.2 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 Skelton Newby Hall 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.'

### **15 RECOMMENDATIONS**

- 15.1 Having undertaken the required preliminary checks, the Executive resolves that:
- i. the issues listed above in section 9 have been satisfied and there can be a determination of the proposals.
  - ii. That the following proposals be determined:
    - a) To cease to maintain Skelton Newby Hall CE VC Primary School with effect from 31 August 2023.
    - b) To extend the catchment area of Kirby Hill CE VC Primary School with effect from 1 September 2023 to include the area currently served by Skelton Newby Hall CE VC Primary School.

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

Report prepared by Sue Turley, Strategic Planning Team.

Background Documents:

Report, Executive, 21 March 2023

Report, Corporate Director's meeting with Executive Members, 13 December 2022

Appendices:

Appendix A: Statutory Proposal for school closure

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

Appendix C: Responses to the Statutory Proposal

Appendix D: School Organisation Guidance for Decision-makers

Appendix E: Climate Change Impact Assessment

Appendix F: Equality Impact Assessment

Appendix G: Catchment area map