

NORTH YORKSHIRE COUNCIL

THE EXECUTIVE

20 June 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 To provide the Executive with information upon which to determine the proposal to amalgamate Caedmon College Whitby and Eskdale School resulting in the technical closure of Eskdale School and the Eskdale site from the 31 August 2024 and increase the planned admission number for the amalgamated school requested with effect from 1 September 2024.
- 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.

2.0 EXECUTIVE SUMMARY

- 2.1 On 18 April 2023 the Executive approved the publication of statutory proposals and notices be published on 27 April 2023 proposing to amalgamate Caedmon College Whitby and Eskdale School resulting in the technical closure of Eskdale School and the Eskdale site from 31 August 2024 and increase the planned admission number for the amalgamated school with effect from 1 September 2024.
- 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 27 April 2023, giving 4 weeks until 25 May 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 amalgamation
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

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for closing a maintained school. These are detailed in School Organisation regulations and guidance¹. The

¹ The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and Department for

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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.

4.0 PROPOSALS

- 4.1 North Yorkshire Council proposes to amalgamate Eskdale School and Caedmon College Whitby through:
- (i) Ceasing to maintain Eskdale School from 31 August 2024.
 - (ii) Increasing the published admission number of Caedmon College Whitby, from 1 September 2024. The current admission number for Caedmon College Whitby is 184 and the proposed admission number for Caedmon College Whitby (as the amalgamated school) will be 240.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 The consultation period ran from 20 February 2023 to 31 March 2023. 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 18 April 2023, the Executive considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

6.0 STATUTORY PROPOSALS AND NOTICES

- 6.1 The statutory proposals and public notices were published on 27 April 2023. A copy of the proposal can be found at Appendix A. The public notice, placed on the school gates at all sites and in the Whitby Gazette, invited written objections or comments to be submitted by 25 May 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.
- 6.2 Following the publication of the Statutory Notices, 26 comments made by 21 different individuals were received by the end of the notice period on 25 May 2023. A copy of the submissions can be found at Appendix C, these comments have been anonymised.

7.0 ISSUES RAISED AND RESPONSES TO STATUTORY PROPOSALS

- 7.1 There were 26 responses received to the publication of statutory proposals made by 21 different individuals. A number of the respondents had also made submissions to the previous consultation. Many of the responses included matters that accord with the key issues raised during the previous consultation and that were addressed in the report to the Executive on 18 April 2023. Appendix C shows the full responses to the statutory proposals. The majority of these were against the proposal to amalgamate the two schools whilst one was in favour and two contained comments but appear neutral on the amalgamation.
- 7.2 Alternative Proposals
Several responses said that other options should have been considered as alternatives to the amalgamation proposal by the federation governors or by the Council. Some responses

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).

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had clear preferred alternative options such as maintaining two separate schools, or maintaining two separate schools but closing or moving the sixth form provision.

7.3 Response

Section 4 within the report to the Executive on 18 April 2023 clearly set out the other options that had been considered by governors and the reasons that this proposal has been brought forward for consultation. No other option had been identified which addresses the core issues of low pupil numbers, financial challenges and an imperative to give the best education and curriculum to the young people of Whitby. On 7 February 2023 the Executive Member for Education, Learning and Skills approved consultation on the amalgamation proposal.

7.4 Choice of Sites

Several responses questioned the choice of retaining the Normanby site (for 11-16 provision) and the Scoresby site (for sixth form provision) whilst closing the Eskdale site. Responses referenced the external areas in particular as being better at Eskdale than at Caedmon (Normanby site). Responses also questioned whether there was sufficient capacity at Caedmon (Normanby) to accommodate the required number of pupils going forward.

7.5 Response

The rationale for the selection of the sites was set out in the report to the Executive on 18 April 2023. 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 their wider improvements to 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.

7.6 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 and pupils moving between the sites, the travel time would be kept to a minimum.

7.7 As stated in the report to the Executive 18 April 2023, 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 facility 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, if approved, the Council would work with the school leadership to identify the amalgamated school's capital priorities.

7.8 Forward Planning

Several responses stated that there was no plan in place and that the Whitby Secondary Partnership had refused to share detail on curriculum and staffing models. One response mentioned that they did not think there would be enough teachers and that the workload would be too high.

7.9 Response

High level planning is underway so that should the Executive approve this proposal, it can be implemented smoothly. The proposed implementation date of September 2024 means that time could be used for:

- leaders and staff time to review policy and procedures for the newly amalgamated school such as behaviour, pastoral support, assessment and curriculum
- curriculum leaders and staff teams to work on revising and adapting to a new curriculum model for the 24-25 academic year
- current Year 10 pupils to complete their current courses and examinations without disruption of moving sites
- transition arrangements for existing pupils with SEND or other individual needs to be planned and conducted over a longer period of time, in consultation with individual pupils and parents/carers
- Open Evening/Day events during 2023-24 academic year for all parents/carers of pupils in *all* year groups of the newly amalgamated school

7.10 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 separate staff consultation would be undertaken.

7.11 Consultation Process

A number of responses criticised aspects of the consultation process. Some responses questioned whether the consultation was legitimate and in particular criticised the Public Meetings that were held and the notes that had been provided from those meetings. Whitby Town Council's response included criticisms that the Local Authority had not carried out pre-publication consultation and that school leaders had not attended a Town Council meeting to explain the proposal. The Town Council stated that they do not recognise the legitimacy of the process. Other responses stated that they did not believe they had received responses to questions or issues that had been raised about the proposal. There was criticism that the consultation responses reproduced included in the report to Executive were too heavily redacted, or that there were too many redactions. Some felt there had been a lack of publicity for the public consultation meetings. It was also argued that the matter had been predetermined because no alternatives had been put forward as part of the consultation.

7.12 Response

The Council has complied with the legislation² for publishing the statutory proposals and regarding consultations being carried out prior to any proposal to close a maintained school. The Council has adhered to the legislation and the Government Consultation Principles³. There is no requirement to carry out the pre-publication consultation prior to a prescribed alteration, however the Council included this within the consultation that ran from 20 February to 31 March 2023.

7.13 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 three stages for these

² Education & Inspections Act 2006 sections 15 & 16; School Organisation (Establishing & Discontinuance of Schools) Regulations 2013 & Statutory Guidance Opening & Closing Maintained Schools 2023

³ 2018

proposals. The most recent phase of this process is set out above in Section 6; this is the Statutory Representation period which has been observed.

- 7.14 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 Town Council's statement that there has been no pre-publication consultation is incorrect. A full pre-publication consultation process was followed, and officers are confident that a full and detailed consultation was carried out. This included holding two public consultation meetings, which members of the Town Council attended and asked questions of the Governing Board. The Town Council has also submitted written responses to the consultation. The Executive Headteacher has invited members of the Town Council to visit the schools to discuss the proposal.
- 7.15 The Council does not consider that the decision has been predetermined, officers and Members have fully considered all consultation feedback, representation feedback and submissions made to the Executive at each decision-making stage and will do so at Executive on 20 June 2023.
- 7.16 Special Educational Needs
Some responses expressed concerns about impact of this proposal on pupils who have Special Education Needs and Disabilities (SEND), one respondent had concerns about the ability of an amalgamated school to meet the needs of children and young people with SEND.
- 7.17 Response
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 resource for pupils to be able to access. This would include dedicated members of staff who are responsible for pupil welfare, inclusion and targeted and specialist support. Leaders intend to establish a pupil-centred inclusive school, where pupils are supported individuals and as part of the school community.
- 7.18 Governors 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 work builds on the existing joint Caedmon and Eskdale Special Educational Needs Coordinator meetings.
- 7.19 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 next 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.
- 7.20 Governing Board Decision Making
Some responses questioned the decision making by the Governors when they voted to request the closure proposal be considered by the Council. Responses questioned the constitution of the Governing Board and also whether the federation was recognised by the Department for Education. Some responses also questioned the motives of the Governing Board members.

7.21 Response

The Council has no concerns regarding the decision making from the Governors when they decided to seek the Council's approval to start the statutory organisation proposal process. 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. The board members are responsible for the education of pupils at both Eskdale School and Caedmon College and have brought forward their recommendation to the Council in the interests of pupils across both schools in the Federation. 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 government 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.

7.22 The federation took appropriate steps for the Council to prepare and seal the Instrument of Government. The federation is recognised by the Department for Education (DfE). The Council is unsure why the DfE did not have the record of the federation, however the Council had implemented the Instrument of Government on 27 June 2019.

7.23 Whilst a Governing Board can make a decision to invite the Council to consider certain statutory organisation proposals, and in this case that is what initially triggered the Council commencing the statutory organisation process, the statutory organisation proposals are completely separate to the Governing Board decision making process.

7.24 Under sections 15(1) and 19(1) of the Education and Inspections Act 2006, the Council has the power to commence proposals of their own motion to discontinue a school maintained by the Council and to make prescribed alterations to a maintained school. The Council does not require a request from a Governing Board in order to make the proposals. Therefore, a Governing Board decision is entirely separate from the Council's decision making. In any event, the proposal to discontinue the school, is not a proposal that a Governing Board can make, it has to be a proposal from the Council.

7.25 The Council's decision making for these statutory proposals is in seven stages:

- i. Executive Member decision whether to pursue consultation on statutory organisation proposals
- ii. If that decision is to go ahead with consultation, carry out the Consultation
- iii. Following consultation, a decision by Executive to proceed with the publication of the Statutory Notices
- iv. If that decision is to go ahead with the statutory notices, Publication of statutory proposals
- v. Representation period
- vi. Following representation period, decision by either Executive or Executive Member to implement the proposals
- vii. If decision is taken following representation period, implementation.

7.26 Once the Council starts to consider whether statutory organisation proposals should be undertaken, all considerations within the legislation and statutory guidance are fully explored independently of any Governing Board or Governors.

Future of Eskdale Site

7.27 Several responses were concerned with the future of the site, and some wanted a commitment that any capital receipt from the disposal of the Eskdale site would be spent on

education in Whitby. Some responses stated that they believe that a sale of the site had already been agreed with a housebuilding company or that a hotel chain was lined up to receive the site. Some responses implied that the desire for a capital receipt from the Eskdale site was being valued above educational improvement. Furthermore it was suggested that previous development on other playing fields had been granted because of the availability of the playing fields and all-weather pitch at Eskdale.

7.28 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 had been made. 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.

7.29 Decision making by the Council's Executive

Several responses expressed concern about the decision making by the Council's Executive. One response asked if Members had read the responses that were provided to them. Others questioned the impartiality of the decision makers and referenced the fact that the Executive had previously voted to allocate funds towards the sixth form's capital cost and should have declared this as an interest. Some responses stated that the 'responses document' showed that the decision makers were not impartial. There was also an accusation that the proposal was predetermined.

7.30 Response

All Members of the Executive Committee are provided with all the documentation which includes the consultation feedback at both the pre-publication stage and also the Statutory Representation period. The Committee considered all of the documentation and feedback before approving the publication of statutory proposals and will consider all submissions received to these proposals before making a final decision on 20 June 2023.

7.31 The Council considers there have been no errors regarding impartiality with regard to the decision-making process. The Executive committee considers many reports each year and at least yearly they approve a schools' capital programme which includes allocations to many schools across the county. It is not necessary for committee members to declare an interest in proposals where they have previously approved, as a member of a committee, a capital allocation to any school involved in the proposal. The Council considers that all Members have acted appropriately in making any declarations of interests that would prevent them from participating in this decision.

7.32 The report to the Executive on the 18 April included all the consultation responses received during the previous period. For each issue raised, Council officers provided a response within the report. The report is prepared by the Corporate Director of the Children and Young People's Service. The decision makers are the Executive Committee of North Yorkshire Council who are not involved in the development of the proposals or reporting on the consultation.

7.33 Traffic, Transport and Road Safety

A large proportion of responses mentioned traffic and road safety. Some responses were concerned about road safety between the home and school whilst others were concerned about the safety of pupils moving between the two sites. References were made to issues which respondents felt were already unsafe or not functioning well. Responses believed that there would be an increase in traffic and pedestrian journeys resulting from this

proposal which would exacerbate these issues and also create further issues. References were made to the lack of 20mph speed limits in the vicinity of the school sites and over the bridge which pupils from the east side of Whitby cross to reach the current Caedmon sites. The access from Prospect Hill onto the school site and the crossing at Mayfield Road were mentioned by several respondents who felt that they were inadequate. Some responses from neighbours suggested improvements that could be made to site access at the Normanby site to improve the situation. Many of the responses which referenced traffic issues were from respondents objecting to the proposal but there were also two responses which did not object but made comments suggesting that transport improvements were required. It was also suggested that the failure to carry out a transport assessment meant that the decision making process for the school organisation proposal is flawed.

7.34 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, if approved, will lead to only the most marginal increase of home to school transport vehicles on Caedmon College's Normanby site.

7.35 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.

7.36 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 compared to 647 pupils now aged 11-16. Parents have a role to play in reducing congestion and increasing pupil safety and are responsible for parking safely around school sites. If the decision is made, this proposal would be implemented in September 2024 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, as part of this engagement a Transport Assessment will be carried out.

7.37 Sixth Form Provision

The sixth form provision was referenced in a number of responses and some responses argued that this proposal was wrongly seeking to sustain the sixth form at the expense of the loss of Eskdale School. Some responses stated that Eskdale funding had been used to keep the sixth form open and that this was the reason for the financial difficulties which have led to this proposal. Some responses thought that the sixth form should close instead of Eskdale or that the sixth form should move sites.

7.38 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 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. Some respondents believed that the sixth form closing would address the financial challenges at the schools. However, as previously referenced in the 18 April report to the Executive, closing the sixth form would have no

impact on the Eskdale School budget and would therefore do nothing to address its significant projected deficit.

7.39 Split Site

In line with earlier responses to the consultation period, a number of responses to the Statutory Representation period 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.

7.40 Response

As stated in the report to the Executive on 18 April, 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.

7.41 Finances

A number of responses were concerned with the financial challenges that both schools were facing and several questions relating to previous financial decisions made by the school leaders and governors. One response stated that there was clear evidence that the sixth form was the cause of financial difficulties in the federation. Other responses stated that funding from Eskdale had been used to prop up the federation and this was the cause for the financial challenges which were referenced as the reason for the proposal. There was criticism about senior council officers and governors alleging financial irregularities.

7.42 Response

The Whitby Secondary Partnership shares a number of staff 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.

7.43 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.

7.44 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.

7.45 This funding formula would remain unchanged as a result of this proposal and school governors, under Local Management of Schools, would be required to continue to monitor their budget plans.

7.46 The Council considers that the federation has used their public finances appropriately. The Council considers that no officers nor Members have misused public funds.

7.47 Bullying

Some responses made reference to safety and wellbeing issues that they perceived that were already existing within the schools, relating to bullying, behaviour and attendance. One response stated that many children had left Caedmon due to bullying.

7.48 Response

As detailed in the report to the Executive on 18 April 2023, council officers have monitored safeguarding and behaviour matters in both schools. The findings of the review indicated that statutory policies are in place, appropriate responsibility for oversight of safeguarding is in place and a programme of training has been implemented. Staff are knowledgeable and are aware of how to identify, manage and support children appropriately.

7.49 Students 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. Students 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.

7.50 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.

7.51 In summary, leaders, including governors, demonstrate a strong commitment and are working hard to safeguard children and young people.

7.52 As stated in the previous report, there has been a decreasing trend for in-year applications (to transfer from Eskdale to Caedmon and from Caedmon to Eskdale Schools) since the federation has been in place.

7.53 Curriculum

It was suggested that broadening the Key Stage 4 curriculum would be unlikely to impact on most students due to restrictions of the National Curriculum, timetables and facilities. A parent mentioned that the current subject arrangements at the two schools do not match and asked what continuity there would be for their child taking GCSE courses.

7.54 Response

Governors have expressed a clear vision to develop a wider curriculum offer. School leaders have described how the current Year 10 pupils will be able to complete their academic studies and sit their examinations without interruption. If the decision is made to implement the proposals, September 2023's Key Stage 3 (Years 7 to 9) will begin to transition to the curriculum model for the newly amalgamated school at the earliest opportunity.

7.55 Independent review of education in Whitby

Requests were made for an independent review of education provision in Whitby, within the catchment of the existing secondary schools, including nursery, pre-school, early years, infant, primary, secondary and further education providers.

7.56 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. Early Years provision is delivered not only through schools, but also by a range of private, voluntary and independent providers.

8.0 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 NYC Home to School Transport Policy.

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.

9.0 LEGAL IMPLICATIONS

9.1 ACT, REGULATIONS AND GUIDANCE

The consideration and determination of school organisation proposals by the Local Authority is set out in the Education and Inspections Act 2006 and subsequent regulations

and in guidance produced by the Department for Education.⁴ 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 the responses, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- the consultation has been carried out in accordance with the legislation
- there are no procedural irregularities with either the Governing Board decision nor the Council's decision making process
- there are no financial irregularities with either the Governing Board nor the Council's decision making

9.4 TYPES OF DECISION THAT CAN BE MADE

In considering proposals for a school closure, the Executive (or the Executive Member for Education, Learning & Skills, 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.

10.0 HUMAN RIGHTS IMPLICATIONS

10.1 There are no Human Rights implications in relation to this issue.

11.0 OTHER IMPLICATIONS

11.1 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 as the school. This would include reductions in heating, lighting and water usage. However, there is likely to be a negative impact associated with some increased use of vehicles to transport the pupils to and from school. Ultimately there is an overriding consideration in this proposal to provide the best outcome for the education of children in the local area and no other educationally sustainable option has been identified. The school site itself is owned by North Yorkshire Council and any decision about future use of the site would need to take regard of the NYC Climate Change policy.'*

11.2 An Equality Impact Assessment (EIA) 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 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*

⁴ See footnote 1 in paragraph 3.1 above for these details..

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. The EIA has been re-examined in response to the feedback received to the statutory proposal and no update to the EIA is considered necessary at this stage. There will be ongoing monitoring of the impacts of the proposal, as set out in the EIA, should the proposal be implemented.

12.0 PROCEDURE FOR THE MEETING

12.1 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.

13.0 REASONS FOR THE RECOMMENDATION.

13.1 As set out in the report to the Executive Members of 7 February 2023 and analysed further in the report to Executive of 18 April, the proposal to amalgamate Caedmon College Whitby and Eskdale School offers the opportunity to address the low pupil numbers, significant financial challenges at both schools, and the imperative to secure the best education and curriculum for the young people of Whitby.

14.0 RECOMMENDATIONS

14.1 That having undertaken the required preliminary checks, the Executive resolve that

- i. the issues listed above in section 9 have been satisfied and there can be a determination of the proposals.
- ii. The proposal to amalgamate Eskdale School and Caedmon College Whitby be determined through:
 - Ceasing to maintain Eskdale School from 31 August 2024.
 - Increasing the published admission number of Caedmon College Whitby, from 1 September 2024. The current admission number for Caedmon College Whitby is 184 and the proposed admission number for Caedmon College Whitby (as the amalgamated school) will be 240

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

List of Appendices:

Appendix A: Statutory Proposal for school closure

Appendix B: Public Notice in accordance with section 15(1) of the Education & 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

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Background documents

Report, Executive, 18 April 2023

Report, Corporate Director's meeting with Executive Members, 7 February 2023

The Whitby Secondary Partnership Instruments of Government (27 June 2019 and 22 July 2022)