

# NORTH YORKSHIRE COUNCIL

## THE EXECUTIVE

23 January 2024

### PROPOSAL TO CEASE TO MAINTAIN FOUNTAINS EARTH, LOFTHOUSE CHURCH OF ENGLAND ENDOWED PRIMARY SCHOOL

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

#### 1.0 PURPOSE OF REPORT

- 1.1 This report details the outcomes of the public consultation carried out by the Council on the proposal to close Fountains Earth, Lofthouse CE Endowed Primary School and asks the Executive to authorise the publication of proposals and statutory notices, and to schedule taking a final decision on the proposal on 19 March 2024.

#### 2.0 EXECUTIVE SUMMARY

- 2.1 The governing board of the Upper Nidderdale Primary Federation (representing the three schools of Fountains Earth, Lofthouse CE Endowed Primary School, St Cuthbert’s CE Primary School, Pateley Bridge and Glasshouses Community Primary School), took the heavy and sad decision with no pupils on roll at Fountains Earth, to ask the Council to consult on closure proposals for Fountains Earth CE Primary School.
- 2.2 This report details the responses to this consultation and asks the Executive to authorise the publication of statutory proposals and notices (Appendix 1), and to schedule taking a final decision on the proposal on 19 March 2024. If approved, the School would close on 31 March 2024.
- 2.3 The report is supported by a number of Appendices as listed below:

Appendix 1: Full draft Statutory Proposals and draft Statutory Notice

Appendix 2: Pre-consultation correspondence between Upper Nidderdale Parish Council and the Executive Member

Appendix 3: Published Consultation Paper

Appendix 4: List of the Consultees

Appendix 5: Note of the Public Meeting

Appendix 6: Public Statement to Skipton and Ripon Area Constituency Committee and CYPS officer’s response

Appendix 7: Consultation responses

Appendix 8: Equality Impact Assessment

Appendix 9: Climate change Impact Assessment

#### 3.0 BACKGROUND

- 3.1 Fountains Earth, Lofthouse CE Endowed is a 4-11 voluntary controlled primary school located in the small rural village of Lofthouse in Nidderdale, an Area of Outstanding Natural Beauty (AONB). The school is defined by the government as a rural school that serves rural hamlets with isolated dwellings.
- 3.2 In June 2022 the federated governing board approached the Council to seek consultation on the proposed closure of Fountains Earth school. There were 11 pupils on the school roll at this

time. This consultation request was subsequently withdrawn by the governing board in July 2022 as it had been suggested locally that the school roll was going to grow in the near future

- 3.3 In Autumn 2023, the federated governing board took the decision, with no pupils on roll at Fountains Earth, to ask the Council to consult on closure proposals for Fountains Earth school. The main factor prompting their request was that there are no pupils on roll at Fountains Earth in the current academic year.
- 3.4 The decision to consult on the proposal to close the school was taken by the Executive Member for Education, Learning and Skills on 7 November 2023.

#### **4.0 CONSULTATION, ANALYSIS OF RESPONSES, OTHER ENGAGEMENT**

- 4.1 Between 6 and 9 November 2023, prior to the start of the consultation period, there was an exchange of correspondence between the Upper Nidderdale Parish Council and the Executive Member for Education, Learning and Skills. For completeness this is shown at Appendix 2 to this report. The Parish Council did not formally respond to the subsequent consultation during the consultation period.
- 4.2 The consultation period ran from 17 November to 22 December 2023. A consultation paper setting out the proposal was sent to the staff and parents within the federation and also other stakeholders in accordance with the statutory guidance. A copy of the consultation paper is attached as Appendix 3 together with a list of the consultees at Appendix 4.
- 4.3 A public meeting was held on 29 November 2023 and was attended by officers of the Local Authority, the Diocesan Director of Education, Governors, a number of parents, members of the local community and other local stakeholders. Approximately 54 people were in attendance at the meeting. A number of attendees at the public consultation meeting expressed their views in the meeting. The overarching view was that the closure is a negative proposal. A record of that meeting is attached as Appendix 5.
- 4.4 There were two items of engagement in the public domain regarding Fountain's Earth school during the consultation period that were not submitted as consultation responses. They are reported below for the awareness of the Executive.
- 4.5 The first item is a petition received by the Council on 11 December 2023 and posted on the NYC website [Petitions received | North Yorkshire Council](#). The petition seeks 'an investigation into the leadership of the Upper Nidderdale Federation'. There were 1,103 signatories to the petition, of which 572 have a North Yorkshire address. For context there are c.1831 domestic properties in the combined catchment areas of the three schools in the federation, with c.159 of those being in the catchment area of Fountains Earth School. The petition will be scheduled for consideration at the next available meeting of the Skipton and Ripon Area Constituency Committee, provisionally due to be held on 7 March 2023.
- 4.6 The second item is a public statement submitted to the Skipton and Ripon Area Constituency Committee at the meeting on 14 December 2023. The opening paragraph of the statement also requested an independent investigation into the leadership of the Upper Nidderdale Federation. Appendix 6 to this report shows both the statement and the CYPS officer's response in full. The member of the public who spoke at the meeting continues to engage in correspondence with CYPS officers regarding his concerns.
- 4.7 By the closing date of the consultation, on 22 December, 34 consultation responses had been received to the proposals. An additional three respondents did not leave any comments at all on their on-line form, and so their views are not known. The consultation responses received are shown in full at Appendix 7, although with the names of individuals removed as appropriate.

- 4.8 The majority of the responses to the consultation were not supportive of the proposal. The comments against the proposal reflected many of those made during the public meeting and focused on the circumstances which had led to a decline in pupil numbers and cited leadership issues across the federation. A number of respondents said there was still a need for the school locally and this was very important in a rural community.
- 4.9 Six (17%) of the 34 respondents supported the proposal to close the school, including comments such that the school had run its course, was proving to be a burden on the wider federation and that teaching a wide range of ages in a single class is extremely complicated.
- 4.10 The following section of the report provides a summary of the main issues raised during the consultation, either by the 34 individuals who submitted a response (by post or online) or during the public meeting on 29 November 2023.

## **5.0 ISSUES RAISED AND RESPONSES**

- 5.1 The key issues raised during the consultation process are listed below alongside relevant responses from either officers in the Council's Children and Young People's Service (CYPS), or from the Governing Board (GB) of the Upper Nidderdale Federation. The dominant theme of the responses was a reflection on how the school arrived at the situation where there were no pupils on roll in September 2023.

### **Communication**

- 5.2 A lack of communication from the school to parents was a recurring theme throughout the public meeting and in a number of consultation responses, with a number of responses also citing a lack of community engagement.
- 5.3 The Governors and School Leaders disagree with this view. They state that newsletters were sent every week and there is access to these via the schools' websites. A Calendar of Events were sent out at the beginning of each term and the invites to the Federation Fridays were also sent. A poll was also set up asking parents of children at Fountains Earth if they were aware of any new families coming into the area or children who may attend the school in the future. There were no complaints from parents about lack of communication. The school's view is to the contrary – they state that some parents complained about receiving too much communication.

Governors report that after the first public meeting held at the local parish council in summer 2022, the then chair of governors held a meeting with parents in July 22, listening to any concerns and answering any queries as best as possible. In July 2023 one of the then co-chairs of governors met with parents at Fountains Earth school to listen to their concerns again. There were no formal requests made for additional meetings.

### **The role of leadership in relation to declining numbers, and other linked issues**

- 5.4 A large proportion of the responses to the consultation made reference to perceived failures of the leadership team being responsible for the fall in pupil numbers at the school. Other respondents asked why parents were choosing not to send their children to the school and questioned if this should have been a 'red flag' for the leadership and governors?
- 5.5 Governors report that there is data that demonstrates the children within the area of Fountains Earth were already attending other schools, private schools or being home schooled *over several years*. This is still the case. Alternatively, when parents from the area of Fountains Earth attended the open days at the other two schools in the Federation, they specifically stated that they did not wish for their children to attend Fountains Earth but would rather their children experience a larger classroom situation, forming peer groups and social experience.

Leadership and Governors have explained that they were acutely aware of the situation and worked hard to try to enable more pupils at the school, and within that to achieve the very best in terms of education and a safe environment in which to learn.

- 5.6 A question was asked what reasons for leaving were given by parents who have left over the last three years, and was this reported to governors alongside news of the falling numbers, if so when ?
- 5.7 The response to this question, from the school, is that the reasons are varied and are personal to the parents. Some wished for their children to be privately educated, some moved to home schooling and others moved away from the area due to work commitments.

In one recent case there was one child who would have been the only year 6 child in the school and the parents were open in that they wished for a more rounded experience in a larger year 6 cohort for their child prior to moving to secondary school.

Governors explained that the numbers were always reported to the governors by the Leadership and discussions took place on how to improve numbers but sadly the demographics and information gathered did not help in identifying and securing the increases required.

- 5.8 Some former parents who engaged in the consultation said they felt forced out of the Federation, and that there appeared to be a deliberate policy to close the school.
- 5.9 The governors and School Leaders have said that they not recognise this as being accurate. Their view is that the evidence shows that the school is not a viable proposition in the foreseeable future. Governors reviewed the gathered information and relooked at the first findings (in 2022) but ultimately parents made decisions to move their children elsewhere.
- 5.10 Questions were raised about why those children that have left Fountains Earth have chosen schools outside of the Federation?
- 5.11 The choice of school is a matter for each parent but governors believe it is possible that following the early discussions about the consultation request in June 2022 a negative view of the federation led parents to choose schools outside of the Federation.

### **The Council's role regarding falling pupil numbers**

- 5.12 Some responses were also critical of the Council's role in addressing falling numbers and asserted that more should have been done.
- 5.13 CYPS officers monitor pupil numbers at schools across the county using data from the termly 'School Census'. Many rural primary schools in North Yorkshire have been experiencing falling rolls in recent years to some degree, and the fall in pupil numbers over time at Fountains Earth was not unique.
- 5.14 During 2021/22 CYPS officers, alongside diocesan representatives were in discussion with leaders and governors regarding their concerns about the decline in pupil numbers at Fountains Earth school and assisted with their consideration of future projections. Officers subsequently supported the federation with their detailed exercise with the community in Autumn 2022 to understand more fully the future potential pupil numbers at the school. The exercise showed some minor change to the future forecast numbers originally held by the Council. Parents, carers and the wider community were informed of the outcome in January 2023. The revised forecast numbers communicated at the time were as follows 23/24 – 11 pupils; 24/25 – 13 pupils; 25/26 – 13 pupils; 26/27 – 15 pupils; 27/28 – 18 pupils. Importantly

those predictions assumed that none of the existing pupils would leave Fountains Earth, other than to transfer to secondary school at the end of Year 6.

- 5.15 The pace of the subsequent reduction of pupils at Fountains Earth School during 2022/23 was significant. It would not be unique for a school to quickly lose up to ten children but of course there is a disproportionate impact when the school is particularly small. During this period in 2022/23, indeed at any time, it was the responsibility of the Council to, where possible, meet parental preference for admissions, and this includes processing applications for pupils moving between one school and another. Therefore, during 2022/23 the Council, in its role as the local co-ordinator for admissions and also being the Admissions Authority for some of the relevant schools, was not in a position to prevent the transfer of pupils away from the school.

### **Independent investigation**

- 5.16 A number of responses, plus the petition and the public statement to the Area Constituency Committee, called for an investigation into the leadership of the Upper Nidderdale Federation and how linked this to the decline in pupil numbers.
- 5.17 The Governing Board hold strategic responsibility for the performance and quality of education in their schools and this includes holding leaders to account for performance. The Local Management of Schools (LMS) Scheme sets out the relationship between the Council and the maintained schools it funds, and this is approved by the North Yorkshire Schools Forum. 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, or schools, are borne by the school from a delegated budget. This includes all staffing, premises and resources costs. Governors are responsible for recruitment within their schools. The Local Authority provides support to leaders and governors of its maintained schools, however, it is not possible to replicate the roles carried out by leaders and governors.
- 5.18 The education system is complex. The Council retains many duties and responsibilities with regard to its maintained schools and for example, its 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 Department for Education's (DfE) Regional Directors who take key decisions delegated to them by the Secretary of State for education, and therefore it is unclear who would conduct an 'independent investigation' and what authority it would hold.

### **Lack of affordable housing**

- 5.19 A member of the community said that the school has been in decline with the number of pupils for a while now, and due to the lack of affordable housing options and the number of holiday lets, this stops families moving into the area. A governor also added that, a significant number of holiday homes and retired people in the local area has had a negative impact on the low pupil numbers.
- 5.20 CYPS officers work closely with the Council's planning teams to understand projected housing developments and to ensure there are sufficient school places. Lofthouse is designated a service village in the former Harrogate District's Local Plan and developments limits were defined for the first time around Lofthouse during the plan period 2014 to 2035. Development limits are used to define the areas where specific plan policies will apply. They indicate the extent to which each settlement should be allowed to develop during the plan period. Officers are only aware of 11 dwellings in the Fountains Earth catchment area that have planning permission but are yet to be built. Despite the service village status none of these proposed dwellings are Local Plan housing, rather they are all individual plots. The Council's 25%



standard pupil yield factor would suggest an additional three primary aged pupils may arise from the potential future development of these 11 dwellings.

**Comments that there is still a need for the School**

- 5.21 Several of the comments received contended there is still a need for a school in Lofthouse, that the children were present in sufficient numbers, but parents were choosing other schools due to dissatisfaction with current leadership, with some moving their children to schools at a considerable distance. One respondent said that the data provided by the Council showed an increase of pupils in the local area.
- 5.22 Some respondents mentioned the historical role the school had played as a part of the community and that the school is a unique rural school that provides an opportunity for a personalised curriculum to meet the needs of the ‘up dale’ children.
- 5.23 The school catchment area has a primary age cohort of children which reduced from 27 children in 2017 (the earliest records held by the Council) to 16 children in October 2022. This cohort figure is based on children living in the catchment area and attending a North Yorkshire area school at that time, be that LA maintained or academy. The second data set in the table below shows how many of those ‘in-area’ children were attending Fountains Earth school at that time. This shows the number of ‘in-area’ children at the school halved from 20 to 10 between October 2017 and October 2020 and has remained fairly static until 2023. Since the public meeting, the October 2023 pupil census data has now become available for review. This now shows eight pupils of pupils of primary age living within Fountain’s Earth catchment area and attending a North Yorkshire School, showing a 50% reduction on the October 2022 census information.

	<b>Primary school age children living in catchment and attending a NY School</b>	<b>Of those how many were attending Fountains Earth Primary School</b>
October 2017 Census	27	20
October 2018 Census	23	20
October 2019 Census	17	16
October 2020 Census	13	11
October 2021 Census	17	8
October 2022 Census	16	10
October 2023 Census	8	0

- 5.24 The respondents are correct that some children resident in the school’s catchment area are attending schools that are further away from home than the nearest alternative school, which is St Cuthbert’s Primary School in Pateley Bridge. This is confirmed by the October 2023 census data which identifies that the eight children noted are currently attending a total of five different North Yorkshire schools including St Cuthbert’s.
- 5.25 CYPS officers would acknowledge that the census data set discussed above only captures those children attending maintained schools and academies, so it may be that some differences in numbers over time are explained by children attending private schools.
- 5.26 The Council also has access to NHS data which identifies all local children (irrespective of the status of the school they attend) providing they are registered at a GP practice. The most recent NHS GP data (September 2023) indicates that four children are living in the school’s catchment area who are of the appropriate age to join a primary school in September 2024. Looking ahead the same data reflects a further two children who are in the age cohort for September 2025 entry. The cohort of six local children for September 2026 entry is marginally the highest that has been seen for some years and to a degree may potentially explain local perception of need.

Cohort – school year and year of entry	No. of children for each cohort year identified by Sep 2023 NHS data as resident in the catchment for Fountains Earth
REC 27/28 – entry Sep 2027	3
REC 26/27 – entry Sep 2026	6
REC 25/26 – entry Sep 2025	2
REC 24/25 – entry Sep 2024	4
REC 23/24 – entry Sep 2023	0
Year 1 23/24 – entry Sep 2022	2
Year 2 23/24 – entry Sep 2021	3
Year 3 23/24 – entry Sep 2020	1
Year 4 23/24 – entry Sep 2019	1
Year 5 23/24 – entry Sep 2018	3
Year 6 23/24 – entry Sep 2017	5

- 5.27 At the time of writing there have been no ‘highest preference’ applications to join Fountains Earth School in September 2024. The closing date for applications in the current admissions round is 15 January 2024 and therefore should this position change it will be reported to the Executive on 23 January.
- 5.28 The Council has a statutory duty to ensure school place sufficiency. The report to the Executive Member for Education, Learning and Skills dated 7 November 2023 and the subsequent consultation documents showed clearly that there would be sufficient school places in the local area to accommodate the loss of capacity through the potential closure of Fountains Earth Primary School.

### **Defederation**

- 5.29 A respondent suggested that North Yorkshire Council should explore the possibility of defederation as this would be in the best interests of preserving local education for the community of Upper Nidderdale and that there are suitably experienced, committed and qualified people in the local vicinity to run the school effectively and form a new governing Board with the aim of re-establishing a successful school.
- 5.30 The view of CYPS officers is that the size of Fountains Earth School is such that it would always need to be in a federation to maintain educational and financial viability. For context there are 54 schools in the county with fewer than 50 pupils and all but four of these schools are in a federation or academy trust sharing resources and costs. The school if it remained open and defederated from its existing arrangements, would not be able to afford its own leadership and a replacement federation partner school(s) would need to be identified. There has been no response to the consultation from any other school wanting to establish new partnering arrangements with Fountains Earth. It would be difficult to see how other schools would be in a position to explore this given the pupil number and associated funding challenges. To confirm that as there were no pupils on roll as of the October 2023 pupil census, they will be no funding allocated from the Department for Education through the Dedicated School Grant for 2024/25. Officers do not consider that defederation would present an opportunity to retain the school.

### **Presumption against the closure of rural schools**

- 5.31 One respondent said that the guidance states that under the statutory guidance for opening and closing maintained schools there is a presumption against closing rural schools, the guidance states "the case for closure should be strong and clearly in the best interests of educational provision in the area." This was also raised during the public meeting discussions.
- 5.32 Another respondent stated that they had contacted the Department for Education (DfE) in

August 2022 following the first request from Governors to consult on closure in June 2022. The response from the DfE stated that “the government recognises the importance of rural schools and the need to maintained access to good local schools in rural areas; rural schools are often at the heart of their communities and that is why there is a presumption against the closure of rural schools.” The respondent added, that questions need to be asked and answered about what went wrong and the priority of the Council should be supporting sustainability both in terms of the environmental impact but also the economic, social and health impacts for the community over time.

5.33 Fountains Earth, Lofthouse, CE Endowed VC Primary School 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.

5.34 All of the above points are considered in the draft Statutory Proposal that is attached to this report as Appendix A (Full draft Statutory proposals for school closures). Appendix 9 of this report details the Climate Change Impact Assessment of the proposed school closure.

### **Finance issues**

5.35 The responses included a request that the accounts of the federated schools should be separated out for clearer transparency.

5.36 The Upper Nidderdale Primary Federation operate an amalgamated budget for the three schools within the federation. The 2023/24 Start Budget for the Upper Nidderdale Primary Federation indicated the following revenue budget position: 2023/24 in year position £22.95k deficit, 2023/24 accumulated balance £69.44k surplus, 2024/25 in year position £76.49k deficit, 2024/25 accumulated balance £7.05k deficit, 2025/26 in year position £104.81k deficit, 2025/26 accumulated balance £111.86k deficit.

5.37 Should the proposed school closure proceed, the individual school budgets would need to be separated out from the current amalgamated federation budget. Work is currently being undertaken with the federation leadership on forecasting the financial position for the individual schools within the federation to the end of the current financial year. The separated budget positions will be reported as soon as they become available. It is of note that the future funding position that the school faces, as detailed in section 7 of this report, is a bigger issue than any balance on the individual school budget at this time.

5.38 At the public meeting, a question was asked about how many pupils would be needed to make



the school viable? Or how many to enable a two-class structure to be operated?

- 5.39 There is no specific figure relating to the number of pupils required to make a school viable or to sustain a particular class structure. Pupil numbers drive income and there are costs to running a school for example, site costs, teaching staff. Both income and costs vary across schools and within schools over time, an example being recent increases in energy costs. Where schools form part of a group, costs can be shared. The main issue for Fountains Earth school is there are no children on roll and therefore no pupil based income in 2024/25.
- 5.40 A further question was asked regarding how the sparsity funding for Fountains Earth has been used to support the school? A linked question was asked about why no hot meals were provided at Fountains Earth school.
- 5.41 The school report that prior to April 2021 the school operated a school kitchen and funded two upper pay scale teachers and teaching assistants for approximately 20 pupils.
- 5.42 The governors noted that the kitchen was running at a deficit of approximately £15K, therefore they decided to close the school kitchen and transport the meals from St Cuthbert's. Following this change, feedback from families was that parents decided not to have hot meals but chose to take packed lunches. This was for children except those eligible for the universal free school meals (UFSM).
- 5.43 After April 2021 all UFSM children were offered packed lunch options due to the prohibitive cost and implications of the meal transport arrangements impacting on the school budget. Lunches were transported to Fountains Earth school two or three times per week.

#### **Federation support for Fountains Earth School**

- 5.44 A respondent requested evidence of what support had been provided to the school over the last 2 years by the leadership team and governing board.
- 5.45 The federation report that the support given to Fountains Earth has been to provide a high quality curriculum for the children, to ensure that safeguarding was robust and strong and swiftly implement the quality of teaching. The federation supported the school in building the capacity of subject specific leaders, TA's and as well as sharing a special needs coordinator (SENDCO). The policies and procedures were also brought up to date. All the above contributed to the Ofsted rating of Good which reflects the standard of teaching and level of support that had been implemented.

#### **Staffing and Recruitment**

- 5.46 Attendees at the public meeting challenged the statement in the report to Executive Members on the 7 November 2023 'that over the last five years it had not been possible to recruit a permanent teacher' and wanted to know where permanent vacancies at the school were advertised.
- 5.47 The school leadership have advised CYPS officers that their statement is correct. They have also confirmed that vacancies were advertised through supply/recruitment agencies, and they hold the relevant details. Confidentiality prevents further specific detail being provided in this report.
- 5.48 School leaders explained that the school advertised for a permanent teacher in June 2022 and prior to this, due to circumstances, supply agencies were used to find teachers who were willing to commit to the travelling distance to the school and who held the skills to teach Reception through to Year 6 children in one class.

- 5.49 Some parents/community members thought staff were bullied away or pushed into early retirement which followed with a teaching appointment of a relative of the headteacher. Some responses commented that some parents felt further recruitment following this appointment was difficult, with any prospective new appointee feeling vulnerable to losing their position
- 5.50 When the new Leadership team came into place, they quickly became aware that the teaching, learning and safeguarding were not up to the expected standard. This was rectified swiftly by the Leadership team by support and challenge. The leadership is clear in its position that the staff were not bullied but held to account. No grievances were submitted to the governing board.
- 5.51 The 'relative' of the Headteacher was appointed in the appropriate manner. The interview panel consisted of the vice chair of governors, a senior staff member and another teacher. The Executive Head was not part of the process.
- 5.52 A question was asked as to why a good teacher at Fountains Earth School moved to St Cuthbert's in the summer of 2022.
- 5.53 Due to the complex needs of the Federation it was felt that the move was the most effective use of staff. This is commonplace in federations. Also, if a member of staff makes a request to fill a vacancy within the federation, then that will also be considered.

### **Operational issues**

- 5.54 A number of responses raised questions or made comments of concern about operational matters within Fountains Earth school. The following paragraphs capture the federation's responses to some of the main points raised.
- 5.55 A response questioned why Federation Friday was reduced to once each month rather than weekly for pupils at Fountains Earth following the Ofsted inspection?
- 5.56 The reduction was made, not in response to Ofsted, but following a review of its effectiveness. It was felt that it was more appropriate for the children's learning for this to be done once a month rather than weekly.
- 5.57 One parent stated that their child had not received any homework for a significant period of time
- 5.58 During one period of time when the school had a significant staff issue, it is possible that the regularity of homework was overlooked but this was at the initial start of the federation and changes were implemented as soon as could be expedited.
- 5.59 A response questioned the lack of after school / extracurricular activities at Fountains Earth School?
- 5.60 There was a reluctance from staff at that to run clubs, this is a voluntary part of a teacher's job. External providers were contacted but would not travel the distance to offer short activities.
- 5.61 A respondent asked during what period were reception children on the roll at Fountains Earth taught at St Cuthbert's and the reasons behind this?

### **Response by GB**

- 5.62 Under the tenure of the former leadership, reception aged children were not taught at Fountains Earth for two years: 2019, 2020. There were also issues in relation to Covid at this time and a great deal of teaching was carried out in the home. This was reversed as soon as it could be.

## Catchment Areas

- 5.63 As part of the consultation, the Council invited comments on the proposal should Fountains Earth School close, that the catchment area of St Cuthbert's CE VC Primary School should be extended to include the current Fountains Earth Primary School catchment area.
- 5.64 Of the responses received, a significant number opposed the proposal to extend the current catchment area of St Cuthbert's as a large number of parents/community had indicated dissatisfaction with the current leadership at the school and across the Upper Nidderdale Federation.
- 5.65 Those concerned by the proposal also cited these issues amongst others:
- safety and safeguarding on home to school transport
  - the travel distance and time
  - families seeking a school outside the federation will have large distances to travel and have the price of fuel and weather conditions to consider
- 5.66 One respondent said that the catchment area is well served by numerous other schools within reasonable travel distance. Another said the children in Upper Nidderdale wouldn't have too far to travel to attend the larger primary school.
- 5.67 In summary, although there is some support for the proposed extension of the current catchment area in the event of the closure of Fountains Earth, there is a strong feeling from parents and the local community, that the catchment area of St Cuthbert's CE VC Primary School should not be extended to include the current Fountains Earth Primary School catchment area.

### Response by CYPS

- 5.68 CYPS officers recognise the current strength of feeling within the local community expressed at the public meeting and in responses to the consultation regarding the proposal to extend the existing catchment area of St Cuthbert's to include the current Fountains Earth catchment area. However, some catchment area change must be made in the event of a school closure for both school admissions and school transport purposes. It is considered the decision to be taken must make sense for the medium to long term, for future pupils who will live in the area. Geographically St Cuthbert's in Pateley Bridge is the next nearest school and the next nearest Church of England School. In that sense officers continue to recommend that it is the most suitable school to take on the St Cuthbert's catchment area.
- 5.69 CYPS officers understand the comments about travel distance and time as Fountains Earth School is one of the most remote North Yorkshire schools and, for context, the travel distance by road from Fountains Earth School to St Cuthbert's School is c.6.5 miles. The Council is already providing a school transport service along the same route for secondary aged pupils who attend Nidderdale High School in Pateley Bridge.
- 5.70 The Council has a statutory duty to provide free transport to children who attend their nearest school where the distance from home to that school is above the statutory thresholds of two miles (age 4-7), or three miles (age 8 and above). The Council's current home to school transport policy also provides for free travel to the catchment school where the distance criterion is satisfied. On that basis most, if not all, of future pupils living in the current Fountains Earth catchment area would be eligible for free transport to St Cuthbert's should both the closure proposal and future catchment proposal be implemented.
- 5.71 The Church of England Diocese of Leeds is supportive of the proposed catchment area change in the event of closure for Fountains Earth School.

### **The Fountains Earth School site**

- 5.72 A member of the Parish Council at the Public Meeting said that the school is part of the Lazenby Trust and linked to the founder of the school, John Lazenby. She said the school does not belong to the Council. If the school stays in the community, the link to the Trust needs to be thought about as it was intended for education of boys in the area.
- 5.73 The Council owns the school site in its entirety and has been able to confirm this during the course of the consultation period. The Council has provided the Land Registry with the title deeds and any restrictive covenants are noted upon the Registers. There is no suggestion in any legal documents that the Lazenby Trust has any interest in the site, or that the land may only be used for educational purposes. Any decisions about future use of the school site are separate to the closure decision itself and will be taken after determination of the closure proposal.

### **The future of the Federation**

- 5.74 Respondents to the consultation and at the public meeting, said it is important for parents to understand 'what had gone wrong' and commented on the need to ensure that it doesn't go wrong again in the future of the federation.
- 5.75 There was a short Ofsted monitoring inspection (section 8) that took place at Fountains Earth School in June 2022. The report stated the school continued to be a 'Good' school. The report said "*the relatively new governing board understands the benefits and challenges of the school's context and that they work closely with leaders to ensure pupils get the best deal*". The report provides more information about leadership, curriculum and safeguarding.
- 5.76 Therefore, this is clearly an unusual and sad situation where a school judged to be 'Good' is nevertheless faced with a closure proposal. The external evidence reflects that the school had not 'gone wrong' in a purely educational sense but had been facing viability challenges in a wider sense that quickly became exacerbated by the rapid loss of all of its remaining pupils.
- 5.77 It is also of note that St Cuthbert's was last inspected by Ofsted in October 2022 (section 5 inspection) and found to be 'Good'. In addition, Glasshouses Community School was last inspected in March 2022 and the outcome was the school continues to be a 'Good' school.
- 5.78 CYPS officers will continue to work with the leadership and governance of the federation to reflect on the circumstances that have led to this closure proposal and support governors to consider what steps may be desirable to ensure that the other schools in the federation are well placed to remain educationally and financially sound.

### **5.79 Conclusion**

It is the view of CYPS officers that the dominant theme of the consultation feedback was a reflection on how the school arrived at the situation where there were no pupils on roll in September 2023. It is notable that neither the petition received nor the public statement at the Area Constituency Committee are calling for the school to remain open.

- 5.80 A defederation for Fountains Earth was the only suggestion made as a means of retaining the school. No responses to the consultation have been received from other local schools offering federation or alternative arrangements to allow Fountains Earth, Lofthouse to remain open. As stated at paragraph 5.30 officers do not consider that defederation would present an opportunity to retain the school given the pupil number and associated funding challenges that are discussed in detail in this report.
- 5.81 None of the responses received affect the fundamental reasons for consulting on closure as

set out in the November 2023 report which secured approval for this consultation. The school currently has no pupils on roll and as a result will not receive any funding in the 2024/25 financial year. Furthermore, there are no current applications for children to join the school in the current admissions round.

## **6.0 PROPOSAL**

6.1 The proposal is to cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School from 31 March 2024. The proposals include that, in the event of closure, the catchment area currently served by Fountains Earth, Lofthouse CE Endowed Primary School will become part of the catchment area for St Cuthbert's CE Primary School, Pateley Bridge.

6.2 The full statutory proposal is set out in Appendix 1, Section A. This includes details about pupil numbers, alternative schools, impact on the community and travel implications.

6.3 The proposed timetable would be:

1 February 2024	Publication of Statutory Proposals
29 February 2024	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
19 March 2024	Final decision by Executive
31 March 2024	Proposed closure date

## **7.0 FINANCIAL IMPLICATIONS**

### **7.1 School funding**

Pupil numbers determine the funding for a school budget. The DfE have confirmed that in the exceptional situation where a school has no pupils, no funding would be provided to the Council for that school through the DfE Dedicated Schools Grant (DSG) schools block funding; this is the grant funding used to fund school delegated budgets. North Yorkshire Council has not received a school funding allocation for Fountains Earth Primary for the 2024/25 financial year as no pupils were recorded on the DfE October 2023 school census. In the event of the school remaining open, the Council would need to determine whether the school should continue to be funded through the school funding formula. If this were agreed, the school would receive the formula lump sum funding (2024/25 indicative value £134,400) and the school rates funding (£2,645). Any 2024/25 formula funding allocation for Fountains Earth, Lofthouse CE Primary would need to be funded from the DSG funding allocations provided for other schools and academies within North Yorkshire.

### **7.2 Final school budget position**

In the event of Fountains Earth closing on the 31 March 2024, any legacy costs associated with the operation of the school incurred in the 2023/24 financial year would need to continue to be charged to the Fountains Earth school budget. Any final deficit on the school budget, after all costs have been accounted for, would need to be met from Council funds. Any surplus revenue or capital balances would be allocated in line with the local authority Closing School Accounting Guidance.

7.3 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.

### **7.4 Transport costs**

As there are currently no pupils at Fountains Earth School there would be no immediate transportation costs. Any pupils living in the current Fountains Earth catchment area applying for school places at other local schools after the closure would be assessed under the Council's prevailing home to school transport policy at that time.



## **8.0 LEGAL IMPLICATIONS**

8.1 The School Organisation regulations and guidance<sup>1</sup> cover the processes involved in school closures. Careful regard has been paid to these provisions.

8.2 As Fountains Earth, Lofthouse CE Endowed Primary School is designated as a rural school there are some particular considerations for the proposers of any closure. There is a presumption against the closure of rural schools. This does not mean rural schools should not close. It means that the 'case for closure should be strong and the proposal must be clearly in the best interests of educational provision in the area'. Proposers must demonstrate that they have considered the following:

- Educational standards at the school and the effect on standards at other schools
- Alternatives to closure such as federation or academy status
- The availability and cost of transport to other schools
- Any potential increase to car use
- The impact on the community

8.3 These factors are considered in the draft statutory proposal, attached as Appendix 1.

## **9.0 HUMAN RIGHTS IMPLICATIONS**

9.1 There are no Human Rights issues in relation to this decision.

## **10.0 OTHER IMPLICATIONS**

10.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached (Appendix 8).

## **11.0 NEXT STEPS**

11.1 It is proposed to publish proposals and statutory notices on 1 February 2024. 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 entrances to the school. These would provide four weeks for representations to be made to the Council, by 29 February 2024.

11.2 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 19 March 2024.

## **12.0 RECOMMENDATIONS**

12.1 The Executive is asked to approve that:

- i) Statutory proposals and notices be published on 1 February 2024 proposing to cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.
- ii) The proposals include that from 1 April 2024 the parishes of Stonebeck Up, Stonebeck Down, Fountains Earth, Bewerley, High and Low Bishopdale (the current catchment area of Fountains Earth Primary School) will become part of the catchment area for St Cuthbert's CE Primary School, Pateley Bridge.
- iii) A final decision on these proposals be scheduled for the Executive meeting on 19 March 2024.

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<sup>1</sup> School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education Opening and closing maintained schools. Statutory guidance for proposers and decision-makers (November 2019).

Stuart Carlton  
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**Appendices**

- Appendix 1: Full draft Statutory Proposals and draft Statutory Notice
- Appendix 2: Pre-consultation correspondence between Upper Nidderdale Parish Council and the Executive Member
- Appendix 3: Published Consultation Paper
- Appendix 4: List of the Consultees
- Appendix 5: Note of the Public Meeting
- Appendix 6: Public Statement to Skipton and Ripon Area Constituency Committee and CYPS officer’s response
- Appendix 7: Consultation responses
- Appendix 8: Equality Impact Assessment
- Appendix 9: Climate change Impact Assessment