

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 This consultation request was subsequently withdrawn by the governing board in July 2022 as it had been suggested locally that the school roll was going to grow in the near future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

	Primary school age children living in catchment and attending a NY School	Of those how many were attending Fountains Earth Primary School
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 guidance¹ 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.

¹ 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
Corporate Director – Children and Young People’s Service

Report prepared by Andrew Dixon and Sue Turley, Strategic Planning Team

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

DRAFT

Statutory proposals for school closures

As set out in the Establishment and Discontinuance Regulations the information below **must** be included in a proposal to close a school:

Contact details

Proposal, published by North Yorkshire Council, County Hall, Northallerton, DL7 8AE, to discontinue:

Fountains Earth, Lofthouse Church of England Endowed Primary School, Lofthouse, Harrogate HG3 5RZ from 31 March 2024.

Fountains Earth, Lofthouse Church of England Endowed Primary School is a 4-11 Church of England Voluntary Controlled primary school in North Yorkshire.

Implementation

It is proposed to close the school from 31 March 2024.

Reason for closure

The main factor prompting the request is that there are currently no pupils on roll at Fountains Earth Primary School. The school has operated with 34 pupils or less for the last 15 years. Since the 2017/18 academic year there has been a downward trend of pupil numbers and pupil numbers fell from 21 in 2019/20 to 15 pupils recorded in the October 2022 school census and 10 pupils recorded in the May 2023 census. All of the school's pupils transferred to other schools before the start of the current academic year and there were no new starters in the Reception year group in September 2023.

The school has in recent times experienced recruitment and retention difficulties associated both with the particular location of the school and the challenge of securing suitably skilled staff to deal with the differentiation required by whole school teaching in a single class structure.

Finance is also a key concern. The pupil numbers for the October 2023 census form the basis of a schools' funding for the 2024/25 financial year. The Department for Education (DfE) have confirmed that in an exceptional circumstance where a school has no pupils, no funding would be provided to the local authority for that school through the DfE Dedicated Schools Grant (DSG) schools block funding; this is the grant funding used to fund school delegated budgets.

In the event of the school remaining open, the local authority 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.

If the school closure were to go ahead, 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.

As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences and the quality of education they require. At present, if any pupils were to apply to join Fountains Earth Primary there is no real prospect of them being able to get a full and balanced school experience in the absence of any peers.

Pupil numbers and admissions

There are currently 0 pupils on roll at the school.

The school's age range is 4-11 years, and provision is available for boys and girls. There is no boarding provision. Information on special educational needs of pupils is not provided as there are currently no pupils on roll at the school.

Displaced pupils

A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

- a) any interim arrangements;
- b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and
- c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintain the school.

Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

- a) No interim arrangements have been necessary

There are currently no pupils on roll at Fountains Earth Lofthouse so there will be no immediate requirement to assist parents with seeking alternative places in the event of closure. However, it is important to ensure that there are sufficient school places in the local area.

There are two other North Yorkshire primary schools within reasonable travelling distance with places available currently.

The nearest school to Fountains Earth, Lofthouse CE Endowed Primary School is St

Cuthbert's Church of England Primary School, Pateley Bridge. St Cuthbert's Primary has spaces in all year groups and was rated 'Good' by Ofsted in October 2022.

There are also places available (although not in all year groups in some schools), at Glasshouses Community School, Kirkby Malzeard CE, Summerbridge Primary, Dacre Braithwaite CE, Grewelthorpe CE and Masham CE VA. All schools were judged 'Good' in their last Ofsted with the exception of Dacre Braithwaite which was judged 'Outstanding' in 2011.

Revised school catchment area arrangements that would apply, in the event of closure, from 1 April 2024.

It is proposed that should Fountains Earth, Lofthouse CE Endowed Primary School close, St Cuthbert's CE Primary School, Pateley Bridge, as the nearest alternative school and also a CE school, would be the appropriate choice to adopt the existing Fountains Earth catchment area as an addition to its existing area.

Parents have a right to express a preference for any school and, in the case of community and voluntary controlled schools, the relevant Local Authority is the admissions authority and will meet that preference provided there are vacant places or the school is happy to admit above the published admission number. In the case of Voluntary Aided and Academy schools, the local governing body decide the conditions for admission to their particular school. Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

- b) This is a mainstream primary, and therefore, not a school that is reserved for providing to pupils with special educational needs
As there are no pupils there are none with special educational needs
- c) This is a mainstream school, and therefore, not a special school that is reserved for providing to pupils with special educational needs
As there are no pupils there are none with special educational needs

Impact on the community

A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

In some communities the school is the only meeting space. Lofthouse has the Lofthouse Memorial Institute, it contains a main hall with a stage, billiard room, kitchen facilities and an adjacent car park. The Memorial Institute is a valuable community resource and home of the Lofthouse Playgroup, local clubs, hosts coffee mornings and is available for hire to groups. There is also a public house in the village.

Fountains Earth School has strong links with St Cuthbert's Church, Pateley Bridge and Pateley Bridge Methodist Church. The ministers from both churches support the school in the delivery of Collective Worship and lead worship each week.

The school site is owned by North Yorkshire Council. Future use of the school site and buildings will be taken by the Council after the closure proposal has been determined.

There is no significant planned housing development in the school's catchment area as part of the adopted former Harrogate District Local Plan. There are 11 outstanding housing permissions granted within the school's catchment area which over time may yield approximately three primary age pupils.

Whilst the impact on the wider economic and social sustainability of the community is an important consideration, the key consideration is to determine whether the proposal is in the best interests of children's education.

Rural primary schools

Where proposals relate to a rural primary school designated as such by an order made for the purposes of Section 15 (Education and Inspections Act 2006 (EIA)), a statement that the local authority or the governing body (as the case may be) considered Section 15(4) EIA.

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

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

These are examined in turn below.

The likely effect of closure of the school on the local community

Please see the section above 'Impact on the Community'

The proportion of pupils attending the school from within the local community i.e. is the school being used by the local community

As of October 2023 there were eight primary aged children who were living in the catchment area of Fountains Earth School and also attending a North Yorkshire School. None of those pupils were on roll at Fountains Earth but rather attended a total of five other North Yorkshire schools.

The availability, and likely cost to the LA, of transport to other schools

If the school closed, there would be a potential additional cost to the Local Authority in providing transport to other schools in future. Free home to school transport would be provided for eligible pupils within the enlarged catchment area in accordance with the Council's Home to School Transport policy. The Council's current Home to School transport policy sets out that free school transport will be provided to the catchment school or nearest school to a child's home address if it is over the statutory walking distances. These are:

- Two miles for children under eight years of age;
- Three miles for children aged over eight; or
- where the route to the catchment or nearest school is not safe to walk accompanied by a responsible adult.

If the nearest catchment or nearest school is full, transport will be provided, in accordance with the Council's transport policy, to the nearest school with places available.

Any pupils living in the current Fountains Earth Lofthouse catchment area applying for school places at other local schools after the closure would be assessed under the prevailing home to school transport policy at the appropriate time. As such future transport costs cannot be estimated.

Children from low income families (children entitled to free school meals or whose parent are in receipt of the maximum level of Working Tax Credit) have additional eligibility criteria for additional home to school transport and details are available on the Council's website at

<https://www.northyorks.gov.uk/education-and-learning/school-and-college-transport/school-transport-reception-year-11-children>

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)

There are two primary schools within an eight mile radius of Fountains Earth School by road, and a further five primary schools are located on the periphery of this radius:

- St Cuthbert's CE Pateley Bridge
- Glasshouses Community School
- Kirkby Malzeard CE School
- Summerbridge Primary
- Dacre Braithwaite CE
- Grewelthorpe CE
- Masham CE VC

St Cuthbert's CE

- 6.5 miles by road from Fountains Earth Lofthouse
- Rated Good by Ofsted in October 2022
- Capacity 119
- 48 pupils on roll
- Forecast 48 pupils by 2028/29

Glasshouses Community School

- 8.1 miles by road from Fountains Earth Lofthouse
- Rated Good by Ofsted in March 2022
- Capacity 70
- 51 pupils on roll
- Forecast 36 pupils by 2028/29

Kirkby Malzeard CE VC

- 9.7 miles by road from Fountains Earth Lofthouse
- Rated Good by Ofsted in September 2023
- Capacity 105
- 89 pupils on roll
- Forecast 96 pupils by 2028/29

Summerbridge Primary (Academy)

- 10 miles by road from Fountains Earth Lofthouse
- Rated Good by Ofsted in February 2022
- Capacity 81
- 73 pupils on roll
- Forecast 59 pupils by 2028/29

Dacre Braithwaite CE Primary School (Academy)

- 10.2 miles from Fountains Earth Lofthouse by road
- Rated Outstanding by Ofsted in March 2011
- Capacity 70
- 83 pupils on roll
- Forecast 88 pupils by 2028/29

Grewelthorpe CE Primary (Academy)

- 11 miles from Fountains Earth Lofthouse by road
- Rated Good by Ofsted in March 2022
- Capacity 70

- 76 pupils on roll
- Forecast 63 pupils by 2028/29

Masham CE VA Primary School

- 11 miles from Fountains Earth Lofthouse by road
- Rated Good by Ofsted in July 2019
- Capacity 116
- 73 pupils on roll
- Forecast 58 pupils by 2028/29

The view of the Local Authority is that there are surplus places in the local area which can accommodate displaced pupils.

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

It is not considered that there would be significant additional car use given the small number of pupils who would be affected by the closure.

Any alternatives to the closure of the school

The Governing Body and officers from the Council and Diocese have explored alternatives to the closure of the school.

It is considered that there is no potential for the school to convert to academy status or to join a multi-academy trust because it would not meet tests of due diligence due to its small size.

The school is currently federated with St Cuthbert's CE since 2017 following a collaboration between the two schools that had been in place since 2014. Glasshouses Community Primary School collaborated with and supported the Federation of St Cuthbert's Primary School and Fountains Earth Primary School in April 2021. Following the collaboration, a new federation comprising the three schools Glasshouses Community Primary School, St Cuthbert's Primary School and Fountains Earth Primary School was established in January 2022 under the name of the Upper Nidderdale Primary Federation. All three schools share the same Executive Headteacher.

The consultation process has not brought forward any suggestion for alternative partnership arrangements with any other school.

Balance of denominational provision

Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Fountains Earth Lofthouse CE Endowed is a Church of England Voluntary Controlled Primary School. The LA is under an obligation to consider the impact on the proportion of church places before it determines the outcome of school closure proposals.

- The nearest Church of England school, 6.5 miles from Fountains Earth,

Lofthouse is St Cuthbert's CE Primary School at Pateley Bridge.

- There is also a Church of England school at Kirkby Malzeard CE VC School which is 9.7 miles away.
- There is also a Church of England School at Dacre Braithwaite CE which is 10.2 miles away.
- There is also a Church of England School at Grewelthorpe CE School which is 11 miles away.
- There is also a Church of England School at Masham CE VA School which is 11 miles away.

The Diocese is supporting the LA with the consultation and given the availability of places at other local Church of England schools has expressed no specific concerns about the impact on proportionality of places in this area.

Maintained nursery schools

Not applicable

Sixth form provision

Not applicable

Special educational needs provision

The existing provision at Fountains Earth Lofthouse CE VC Primary School is not reserved for pupils with special educational needs.

Travel

Details of length and journeys to alternative provision.

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

Eligibility for home to school transport will be determined in line with the Council's current home to school transport policy and procedures based on each child's home address and individual circumstances.

Where a child attends a school which is not their normal school or the nearest school, parents are normally responsible for making transport arrangements.

The Council's current home to school transport policy states that pupils up to the age of 8 would be eligible for free home to school transport if they live more than 2 miles from their normal area school or their nearest school (or 3 miles for those over the age of 8). Parents can always express a preference for a school other than their normal area school, however, they would usually be responsible for making transport arrangements. Eligibility is assessed on an individual basis taking into account the child's home address.

North Yorkshire Council's Home to School transport policy states that 'Transport will be arranged so that children will not normally spend more than 1 hour 15 minutes

travelling to a secondary school or 45 minutes to a primary school. Journey times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.' This is in line with statutory guidance from the Department for Education. The journey time for children living within the current Fountains Earth Lofthouse CE VC Primary School catchment area would depend on which other school they attended and their home address.

The nearest schools are:

St Cuthbert's CE (6.5 miles) away from Fountains Earth School, approximate travel time is 16 minutes, Glasshouses Community School (8.1 miles away, approximate travel time is 19 minutes. Kirkby Malzeard CE VC is 9.7 miles away, travel time 30 minutes. Summerbridge Primary is 10 miles away, travel time 23 minutes. Grewelthorpe CE is 11 miles away and approximate travel time 30 minutes. Masham CE VA is 11 miles away and travel time approximately 24 minutes. The approximate travel times have been sourced by via a commonly used mapping website. The times are school to school, so longer journey times may be applicable for families living at the furthest points of catchment areas

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director-Children and Young People's Service, North Yorkshire Council, County Hall, Northallerton, DL7 8AD, or by email to schoolorganisation@northyorks.gov.uk by 5pm on 29 February 2024.

Consultation

The decision to consult on closure was taken by the Executive Member for Schools on 7 November 2023 following a request from governors. A consultation paper setting out the proposal was sent to staff at the school as well as other interested parties and individuals. A copy of the consultation paper is included in Appendix 3 and a list of the consultees is included in Appendix 4. The consultation period ran from 17 November 2023 to 22 December 2023. A public meeting was held on the 29 November 2023, a note of the meeting is attached as Appendix 5. There have been 34 consultation responses received (Appendix 6).

Appendices – see Report to Executive 23 January 2024

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

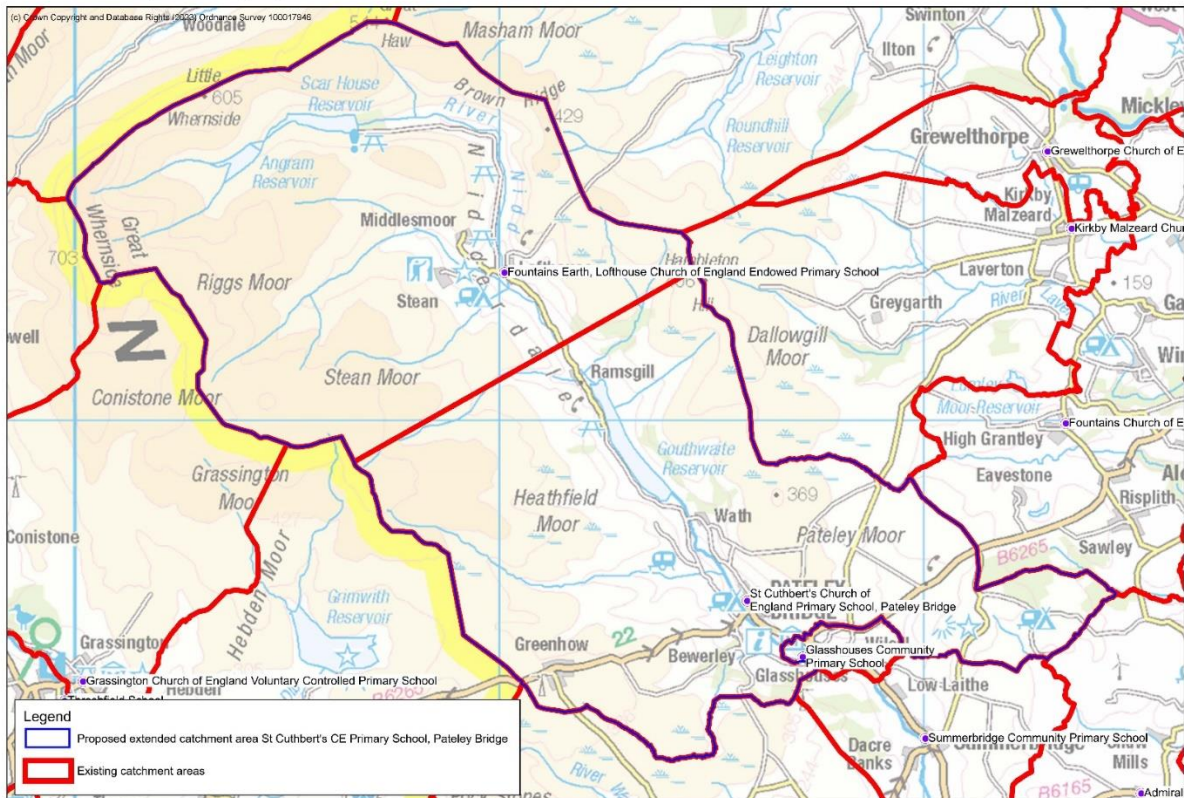
Appendix 7: Consultation responses

Appendix 8: Equality Impact Assessment

Appendix 9: Climate change Impact Assessment

Below is a draft map of the proposed catchment area which forms part of this Statutory Proposal.

Proposal to close Fountains Earth Lofthouse CE Endowed Primary School - current catchment area and proposed extended catchment area for St Cuthbert's CE Primary School, Pateley Bridge



DRAFT
NORTH YORKSHIRE COUNCIL
Proposal to Cease to Maintain a School
Fountains Earth, Lofthouse Church of England
Endowed Primary School

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that North Yorkshire Council, County Hall, Northallerton, DL7 8AE, intends to discontinue Fountains Earth, Lofthouse Church of England Endowed Primary School, Lofthouse, Harrogate, North Yorkshire HG3 5RZ on 31 March 2024.

The proposal also includes revised school catchment area arrangements that would apply, in the event of closure, from 1 April 2024.

Copies of the complete proposal can be obtained from: Corporate Director - Children and Young People's Service, North Yorkshire Council, County Hall, Northallerton, DL7 8AE and are available on the Council's website at www.northyorks.gov.uk.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire Council, County Hall, Northallerton, DL7 8AE, by 5pm on 29 February 2024.

Signed: B. Khan
Assistant Chief Executive
(Legal and Democratic
Services)
Publication Date: 1 February 2024

Pre-consultation correspondence between Upper Nidderdale Parish Council and Cllr Wilkinson:

- **6 November email on behalf of Upper Nidderdale Parish Council to Cllr Wilkinson**

I have read the North Yorkshire Council report to seek Executive Member approval to consult on a proposal that the council should close Fountains Earth, Lofthouse Church of England Endowed Primary School.

I X, chairman of the Upper Nidderdale Parish Council would like to draw your attention to a number of points in relation to this report.

2.5 Whilst the community calculated numbers assumed that none of the existing pupils would leave, these numbers also assumed that no new families would move into the area. In fact, families with primary school age children have continued to move into this area and young children continue to be born in this catchment area.

2.6 It is correct to state that all of the school pupils transferred into other schools before of the start of the new academic year 23/24 and equally important to note that since the three schools federated, of those who left before completing primary education, all except one, have moved to schools outside of the federation. We would urge you to consider why this might be the case.

2.7 & 3.8 At the start of academic year 2021/22 there was a highly qualified teacher in post, it is therefore incorrect to state that “Over the last five years it has not been possible to recruit a permanent Teacher.” Moreover, the credibility of the reference to “feedback from.... former permanent staff is that the outlying location of the school is a material consideration in their decision to seek employment elsewhere” would seem questionable given the current Executive Headteacher has only known two former permanent teaching staff at Fountains Earth - one of which was committed to remaining in post and the other being her own personal partner.

It is also worth considering that whilst the remote nature of this catchment area will always be a significant deciding factor in the context of potential applicants, that this can vary entirely on the individual and that some would be attracted to the rural nature of this school. At no point has the leadership attempted to work with the parent body or wider community to assist with the promotion of vacancies after the abrupt departure of the longstanding permanent teacher in Autumn 2021. It would be worth understanding what proactive recruitment has taken place to date. Furthermore, on the subject of long journeys - is it now appropriate that children as young as 4 will be making an hour's round trip twice a day to attend school?

3.3 We want to draw attention to the points made in this section and ask that the fuller picture is considered. In the context of pupils who are eligible to attend Fountains Earth from this catchment area vs those who actually did attend – why do numbers notably decline in 2021? Additionally, in reference to Appendix 4 – why is the overall percentage difference between net capacity and current pupil roll so much lower across the Upper Nidderdale Federation than other schools provided in this table?

Since the initial application for school closure took place in June 2022, the parents of Fountains Earth requested to meet with the Executive Head and the Governing Board to work together in ways to increase pupil numbers. From June 2022 until July 2023 all requests were refused. No promotional efforts were made and no willingness to work with the parent body was demonstrated.

Finally, we want to note that the Parish Council and the former parent body now seek an independent investigation into the running of the Upper Nidderdale Federation prior to the NY council's decision to close Fountains Earth.

The whole of the Upper Nidderdale community are united in seeing our primary remain open for the benefit of all young children and families, both present and future generations, but in this case I am afraid, under new management.

If I or any other parish councillors, and ex-parents can be of any further assistance on this matter, do not hesitate to contact us.

- **8 November response from Cllr Wilkinson**

Thank you for your email regarding the request from the Governing Board of the Upper Nidderdale Primary Federation which asked North Yorkshire Council to consult on the closure of Fountains Earth, Lofthouse CE Endowed VC Primary School. The Council has agreed to consult on the closure of the school with effect from 31 March 2024.

A consultation process begins on 17 November 2023 during which the public will receive more information on the proposal, as well as details of how to respond. Further information will be available at <https://www.northyorks.gov.uk/current-consultations>

You will be able to submit comments via the online response form, by post, or by email to schoolorganisation@northyorks.gov.uk This is the only way to make a response to the consultation.

Consultation responses will be considered by the Council's Executive on 23 January 2024.

Thank you.

- **9 November email on behalf of Upper Nidderdale Parish Council to Cllr Wilkinson**

Thank you for your reply, and look forward to challenging NYC decision to close Lofthouse School.

It is a very black day for the community of young families and children of Upper Nidderdale.

I note your timetable below for the consultation process.

As part of the consultation process, I trust there will be "public meeting" where the school federation management, council officials and NYC councillors will be present to hear the many complaints of why we have ended up in this situation today.

I believe that our petition for "saving our school" has reached over 500, so we will all get to the bottom of the issues of why we have ended up in this situation today.

Thanks, X [on behalf of Upper Nidderdale Parish Council]



Consultation Document

Proposal to close
Fountains Earth, Lofthouse Church of England Endowed
(Voluntary Controlled) Primary School
from 31 March 2024

Fountains Earth, Lofthouse Church of England Endowed (Voluntary Controlled) Primary School

November 2023

This paper sets out details of a proposal by North Yorkshire Council to close Fountains Earth, Lofthouse CE Endowed VC Primary School with effect from 31 March 2024. It gives the background to the proposal. There will be a public meeting at Lofthouse Memorial Institute, Lofthouse, Harrogate HG3 5SN on Wednesday 29 November at 6pm.

Background

At a recent governing body meeting of the Upper Nidderdale Primary Federation representing the three schools of; Fountains Earth, Lofthouse CE Endowed VC Primary School, St Cuthbert's CE VC Primary School, Pateley Bridge and Glasshouses Community Primary School, it was resolved, with no pupils on roll, to take the heavy and sad decision, to ask North Yorkshire Council to consult on closure proposals for Fountains Earth, Lofthouse CE Endowed VC Primary School.

The Governing Body of the Upper Nidderdale Federation have not reached this decision lightly and have already worked to support the School through the Federation with St Cuthbert's CE VC Primary School and Glasshouses Community School.

St Cuthbert's Primary School and Fountains Earth Primary School formerly entered into federation in May 2017, following a collaboration between the two schools that had been in place since 2014. Glasshouses Community Primary School collaborated with and supported the Federation of St Cuthbert's Primary School and Fountains Earth Primary School in April 2021. Following the collaboration, a new federation comprising the three schools Glasshouses Community Primary School, St Cuthbert's Primary School and Fountains Earth Primary School was established in January 2022 under the name of Upper Nidderdale Primary Federation. An Executive Headteacher model is in place, and this is common under federation arrangements. The Governing Board and leadership have worked to maximise opportunities presented by the federation arrangements, including bringing pupils together to share activities and learning opportunities such as regular shared curriculum days during 'Federation Friday'.

Fountains Earth, CE Endowed Primary School, is 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.

In June 2022 the federated Governing Board approached the Council to seek consultation on the proposed closure of Fountains Earth. There were 11 pupils on the school roll at this time and the available information showed no sign of any significant growth in the roll. This consultation request was subsequently withdrawn by the Federation Governing Board in July 2022 as it had been suggested locally that the school roll was going to grow in the near future.

The Governing Board subsequently undertook a 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; 25/26 – 13; 26/27 – 15; 27/28 – 18. 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.

All of the school's pupils transferred to other schools before the start of the current academic year and there were no new starters in the Reception year group in September 2023. Therefore, the main factor prompting the Governing Board's request for consultation at this time, is there are currently no pupils on roll at Fountains Earth Primary School.

The school has in recent times experienced recruitment and retention difficulties associated both with the particular location of the school and the challenge of securing suitably skilled staff to deal with the differentiation required by whole school teaching in a single class structure.

Finance is also a key concern. The pupil numbers for the October 2023 census form the basis of a school's funding for the 2024/25 financial year. The Department for Education (DfE) have confirmed that where a school has no pupils in the October census, they will not allocate any funding for that school in the schools' block element of the Dedicated School Grant (DSG) funding that a local authority receives to fund schools and academies located within the local authority area.

Factors Affecting the School's Viability

Pupil Numbers

Fountains Earth is a small rural 4-11 CE VC Primary School and currently has no children on roll. The School has operated with 34 pupils or less for the last 15 years. Since the 2017/18 academic year there has been a downward trend with pupil numbers reducing as shown below:

October 2016 census – 19 pupils
 October 2017 census – 29 pupils
 October 2018 census – 25 pupils
 October 2019 census – 21 pupils
 October 2020 census – 15 pupils
 October 2021 census – 12 pupils
 October 2022 census – 15 pupils
 May 2023 census – 10 pupils
 October 2023 census – 0 pupils

The School has a Published Admission Number (PAN) of six pupils per year group. The School has capacity to accommodate around 50 pupils if all spaces are in use, and therefore has the potential to contribute 50 places in the local area.

The number of children of primary school age living in the school catchment area has 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 Local Authority maintained or academy. The second column of figures in the table below shows how

many of those 'in-area' children were attending the 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 2022.

	Primary school age children living in catchment and attending a North Yorkshire School	Of those how many were attending Fountains Earth Lofthouse Primary School
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

School Leadership, Standards and Curriculum

There is a Leadership Team across the three schools within the federation which is led by an Executive Headteacher. Subject leaders were appointed to work across the federation of three schools in April 2021.

The most recent full graded Ofsted inspection for Fountains Earth was in April 2017. At that time there were 22 pupils on roll. Ofsted judged the school, to be 'Good'. A short monitoring (section 8 inspection) took place in June 2022 when there were 11 pupils on roll. The report stated that the school continues to be a 'Good' school.

As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences and the quality of education they require. At present, if any pupils were to apply to join Fountains Earth Primary there is no real prospect of them being able to get a full and balanced school experience in the absence of any peers.

St Cuthbert's was last inspected in October 2022 (section 5 inspection) and found to be 'Good'. St Cuthbert's was last inspected under SIAMS in November 2021 and found to be 'Good'. Glasshouses Community School was last inspected in March 2022 and the outcome was the school continues to be a 'Good' school.

Staffing

Over the last five years it has not been possible to recruit a permanent Teacher, which has been attributed to the remote location and the challenges of recruiting a high level of experience and skill required to teach a wide range of ages and abilities and with such small pupil numbers on roll in a single class structure from reception pupils to year 6. The Governors report that feedback from recruitment agencies is that many teachers with the necessary skills and experience do not choose to apply to work at Fountains Earth.

Staff retention has also proved difficult with a high turnover of staff over the last five years resulting in use of agency staff which comes with increased staffing costs. Supply staff only need to give a day's notice, and this leaves Fountains Earth, and the

other schools in the Federation, vulnerable to disruption and it adversely affects the consistency and quality of education provision at the school.

The Financial Position

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 local authority for that school through the DfE Dedicated Schools Grant (DSG) schools block funding; this is the grant funding used to fund school delegated budgets. Therefore, North Yorkshire Council will not receive a school funding allocation for Fountains Earth Primary in the 2024/25 financial year as no pupils will be recorded on the DfE October 2023 school census. In the event of the school remaining open, the local authority 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.

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:

	In year position	Accumulated balance
2023/24	£22.95k deficit	£69.44k surplus,
2024/25	£76.49k deficit	£7.05k deficit
2025/26	£104.81k deficit	£111.86k deficit.

There appears to be no reasonable long-term prospect of recovery for the Fountains Earth element of the budget given there will be no DfE funding allocation for the school for the 2024/25 financial year.

In the event of Fountains Earth closing on 31 March 2024 the individual school budgets would need to be separated out from the current amalgamated Federation budget. 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 local authority funds.

Primary School places in the local area

There are currently no pupils on roll at Fountains Earth, Lofthouse CE so there will be no immediate requirement to assist parents with seeking alternative places in the event of closure. However, it is important to ensure that there are sufficient school places in the local area.

In October 2022 there were 16 pupils living in Fountain's Earth discrete catchment area and attending a North Yorkshire school. Of the 15 pupils attending the school at the time of the October 2022 census, 10 pupils were from the Fountain's Earth,

Lofthouse catchment area and three were from the St Cuthbert's area. Two pupils were attending from the catchment areas of Harrogate Town schools.

There are two other neighbouring primary schools within an eight mile radius of Fountains Earth Primary School. Across the area there is a general surplus of places. Further details of school capacities and pupil forecasts are set out in an accompanying document.

The nearest school to Fountains Earth CE Primary Endowed is St Cuthbert's CE VC Primary School at Pateley Bridge where there are places available in all year groups. The next nearest school is Glasshouses Community Primary School where there are places available in all year groups apart from Year 3.

There is also capacity available at schools which are further away. Places are available at Summerbridge Primary School, Kirby Malzeard CE School and Grewelthorpe CE Primary although not in all year groups. Masham CE School has places available in all year groups. These schools were all judged 'Good' in their last Ofsted inspection.

The Proposal

For the reasons above it is proposed that Fountains Earth CE Endowed VC Primary School should close with effect from 31 March 2024.

It is also proposed that the catchment area of St Cuthbert's CE VC Primary School, Pateley Bridge (the nearest alternative school) should be extended to include the current Fountains Earth catchment area. This is shown on maps accompanying this consultation document. The Leeds CE Diocese have indicated early-stage support for this approach. These arrangements would be implemented from April 2024 only in the event of closure for Fountains Earth CE Endowed VC Primary School.

The Council would welcome views regarding the future catchment area proposal as part of this consultation.

Admissions and Catchment Areas

Free home to school transport would be provided for eligible pupils taking account of the revised catchment area arrangements in accordance with the Council's Home to School Transport Policy.

Staff

A separate staff consultation process, including a meeting for staff and their professional associations and unions, will run in parallel with this consultation on the closure proposal. Staff are also welcome to comment on the proposal as part of this consultation.

The School Site and Buildings

The Council owns most of the school site and is currently clarifying the position regarding the remainder of the site with the Land Registry and the Diocese.

Decisions about the future of school sites following a closure are separate to the closure decision itself and would follow at a later date.

Additional Information

This consultation document should be read in conjunction with the following documents which can be found here www.northyorks.gov.uk/your-council/consultations-and-engagement/current-consultations

- Maps showing the current local catchment areas including the proposed extension of the catchment area for St Cuthbert's Church of England (Voluntary Controlled) Primary School at Pateley Bridge should Fountains Earth Lofthouse, Church of England Endowed Voluntary Controlled Primary School close.
- Other schools – capacities and forecasts

What Happens Next?

Your views about this proposal are welcomed. You can either complete and return the attached response sheet, or submit an online response

Paper responses should be returned to North Yorkshire Council at the address below:

FREEPOST RTKE-RKAY-CUJS

Fountains Earth, Lofthouse

Strategic Planning

North Yorkshire Council

County Hall

NORTHALLERTON

DL7 8AE

Online responses may be submitted by following this link:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=169900829166>

Responses to the consultation will be published on the Council's website. Your personal details, and those of others you may refer to, will not be published.

The closing date for responses is 5pm on Friday 22 December 2023

All responses to the consultation received by this date are scheduled to be considered by the Council's Executive on 23 January 2024.

If the Council's Executive decides to proceed with the closure proposal, then statutory notices would be published in the local press on 1 February 2024. These notices would provide a further four weeks for representations to be made. A final decision is then scheduled to be taken by North Yorkshire Council's Executive on 19 March 2024. If agreed, the school would close on 31 March 2024.

Anticipated Key Dates

All dates are subject to approvals at each stage.

Consultation opens	17 November 2023
Public meeting	29 November 2023 at 6pm
Consultation closes	22 December 2023
Council's Executive considers consultation response	23 January 2024
Statutory Notices published (4 weeks for representations to be made)	1 February – 29 February 2024
Final decision by Council's Executive	19 March 2024
Proposed school closure date	31 March 2024

Fountains Earth, Lofthouse CE Endowed Primary School Consultation

This is a consultation on proposals to close Fountains Earth, Lofthouse CE Endowed Primary School from 31 March 2024.

We are collecting this information for the purpose of gathering views on the proposal. Your personal data will not be published or passed to any other organisation unless a legal obligation compels us to do so.

Reading our Privacy Notice will help you understand how and why we process your personal data. www.northyorks.gov.uk/privacy-notices

Do you have any comments about the closure proposal?
(Please do not disclose any personal information in your answer)

Do you have any comments about catchment areas?
(Please do not disclose any personal information in your answer)

What is your interest/status? Parent / Governor / Teacher / Community / Other

Other (please
state)

Name of school:
(if applicable)

To confirm your proximity to school and to prevent duplicate responses we are asking you to provide your name and address. This information will be removed from any analysis or reports.

Name:

Address:

Postcode:

To help us assess whether we have provided clear information, please let us know whether you found this consultation easy to understand? **Yes / No**

Please send this response sheet to the following "FREEPOST" address. You do not need to use a postage stamp.

FREEPOST RTKE-RKAY-CUJS
Fountains Earth, Lofthouse
Strategic Planning
North Yorkshire Council
County Hall
NORTHALLERTON
DL7 8AE

Or to submit your response online go to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=169900829166>

To be received by no later than 22 December 2023

APPENDIX 4**Fountains Earth, Lofthouse CE Endowed Primary School – List of Consultees**

Fountains Earth, Lofthouse CE Endowed Primary School	Staff and governors	via school
	Chair of Governors	
Neighbouring Schools	St Cuthbert's CE VC	Including parents and staff via school
	Glasshouses Community	Including parents and staff via school
	Kirby Malzeard CE VC	
	Masham CE VA	
	Summerbridge Primary	
	Grewelthorpe CE	
Unions and Professional Associations: (as at September 2021)	NAHT	
	NASUWT	
	NEU (formerly NUT & ATL)	
	VOICE	
	ASCL	
	UNISON	
Diocesan Directors	Anglican Diocese of Leeds	
	Catholic Leeds Diocese	
Neighbouring Local Authority:	N/A	N/A
Local County Councillor -	Pateley Bridge & Nidderdale division	
Local Parish/Town council	Upper Nidderdale	
	Pateley Bridge, High and Low Bishopside	
Community Organisations & Local Interested parties	Library Service	
	Nidderdale Plus Community Hub	
Local MP		
Regional Director for Yorkshire & Humber		
Secretary of State:		

Early Years Providers within 10 mile radius of Fountains Earth, Lofthouse CE Endowed Primary School	Acorns Pre-School	
	Provider with initials CH	
	Fountains Playgroup and Pre-School	
	Grassington CofE School	
	Grewelthorpe CE Primary Academy	
	Hebden Nursery Ltd	
	Kettlewell Primary School	
	Kidz Day Nursery Middleham	
	Kirkby Malzeard Pre-School	
	Lofthouse Playgroup	
	St Cuthbert's Church Of England Primary School, Pateley Bridge	
	Summerbridge Primary Academy	
	Sunflowers Day Nursery Pateley Bridge	
	Independent Childminders	
Threshfield Primary - Maintained Nursery		

Appendix 5

Record of Public Meeting concerning proposed closure of Fountains Earth, Lofthouse CE Endowed Primary School held at Lofthouse Memorial Hall

Public Meeting held on 29 November 2023 at 6pm

Present: Amanda Newbold, (Assistant Director, Education and Skills NYC), Canon Richard Noake (Director of Education, CoE Diocese Leeds), Andrew Dixon, (Strategic Planning Manager NYC), Julie Pattison, (Principal Adviser NYC), Helen Nelson, (Co-Chair of the Upper Nidderdale Primary Federation of Fountains Earth, Lofthouse CE Endowed VC, St Cuthbert's CE VC and Glasshouses Community School), Sue Turley (Strategic Planning Officer, NYC) and Julia Temple (Strategic Planning Officer, NYC).

Cllr Andrew Murday North Yorkshire Councillor for Pateley Bridge and Nidderdale, Chair of Upper Nidderdale Parish Council, 7 members of the Parish Council including the Vice Chair, 2 school governors, 2 former school governors and approximately 42 members of the public attended from the community.

Apologies: Cllr Annabel Wilkinson (Executive Member for Education, Learning and Skills, NYC)

AGENDA

<ul style="list-style-type: none"> Meeting opens – brief welcome - Introduction to the Panel 	Amanda Newbold, (Assistant Director, Education and Skills NYC),
Presentation	Andrew Dixon – Strategic Planning Manager NYC
Question and Answer Session	Facilitated by Amanda Newbold
Meeting Close	Amanda Newbold

1. Welcome

Amanda Newbold (Assistant Director Education and Skills)

Amanda welcomed everyone to the meeting and introduced the panel including Richard Noake from the Diocese. Unfortunately, Cllr Wilkinson was unable to attend the meeting due to illness and has sent her apologies. Amanda explained she would be facilitating the meeting in the absence of Cllr Wilkinson.

As required under the Council's constitution Cllr Annabel Wilkinson, Executive Member for Education, Learning and Skills provided agreement that this consultation be undertaken following a request from the Federation Governing Board. The Executive Committee of North Yorkshire Council is the decision-maker for this proposal. The committee can choose to approve, reject, or amend the proposal.

OFFICIAL

OFFICIAL

Amanda said a note of the meeting would be taken so that all views can be reflected in the report that would form part of the decision-making process.

Amanda explained the following roles and responsibilities as part of the process:

Officers of North Yorkshire Council are conducting this consultation on behalf of the Council.

Officers are authors of the report to the Executive and will therefore take notes of the meeting today so that all views can be reflected in the report.

Governing Board of the Upper Nidderdale Federation is responsible for the strategic direction of the three schools in the Federation, including how to optimise the use of resources and maximise value for money.

The Executive Headteacher and Leadership team are responsible for operational management of the schools. The Executive Headteacher and senior leaders are accountable to the Governing Board.

2. Presentation from NYC

Andrew Dixon, Strategic Planning Manager, NYC, explained that the meeting was being held to discuss the proposal to close Fountains Earth, Lofthouse, CE Endowed VC Primary School from 31 March 2023.

Andrew Dixon provided a presentation which covered:

- The proposal
- Background to the proposal
- Pupil numbers
- Pupil numbers over time
- Local cohort context – October 2022
- Admissions context
- Finances
- School Leadership, Standards and Curriculum
- Impact on the Federation
- Local Schools Capacity
- Catchment area proposals
- School staff
- Federated Governing Body
- School site
- What happens now
- How can people comment

The slides explained the background to the closure proposal of falling rolls. In June 2022 the federated Governing Board approached the Council to seek consultation on the proposed closure of Fountains Earth Primary, there were 11 pupils on the school

roll at this time. The available information showed no sign of any significant growth in the roll. This consultation request was subsequently withdrawn by the Federation Governing Board in July 2022 as it had been suggested locally that the school roll was going to grow in the near future.

The Governing Board undertook a 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; 25/26 – 13; 26/27 – 15; 27/28 – 18.

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

All of the school's pupils transferred to other schools before the start of the current academic year and there were no new starters in the Reception year group in September 2023.

Therefore, the main factor prompting the Governing Board's request for consultation at this time, is there are currently no pupils on roll at Fountains Earth Primary. The associated financial implications of this are also a key concern.

The school has in recent times experienced recruitment and retention difficulties associated both with the particular location of the school and the challenge of securing suitably skilled staff to deal with the differentiation required by whole school teaching in a single class structure.

The school has a capacity of 50 pupils. In October 2022 there were 16 primary aged pupils living in the Fountains Earth Primary catchment area and attending a North Yorkshire school – 10 of those attended Fountains Earth Primary at that time. The number of 'in area' children at the school halved from 20 pupils in October 2017 to 10 in October 2022. Numbers on roll have in general been reducing since 2017.

Parental preference has been a key aspect of legislation for many years. Parents/carers can ask for a place at any school at any time, and if the school has places available their child would be admitted, and this is not restricted by catchment areas. This can lead to high pupil mobility and impact on the number on roll at any school at any time.

Fountains Earth Primary currently operates an amalgamated budget with St Cuthbert's Primary School, Pateley Bridge and Glasshouses Community Primary School as part of the Upper Nidderdale Primary Federation.

The 2023/24 Start Budget for the Upper Nidderdale Primary Federation indicated the following revenue budget position. The 2023/24 start budget for the Upper Nidderdale Primary Federation indicated the following revenue budget position:

	In Year Position	Accumulated balance
2023/24	£22.95k deficit	£69.44k surplus
2024/25	£76.49k deficit	£7.05k deficit
2025/26	£104.81k deficit	£111.86k deficit

Pupil numbers determine a school's budget, there were no pupils on roll on the October 2023 census date. As a result DfE have confirmed that no funding would be provided to NYC for Fountains Earth Primary for 2024/25. Any 2024/25 NYC funding for Fountains Earth Primary would need to be made from the funding allocations provided by DfE for other schools and academies within North Yorkshire. The estimated annual premises costs for the Fountains Earth Primary site are c. £34k. There appears to be no reasonable prospect of sustainability for the Fountains Earth Primary element of the budget given there will be no DfE funding allocation for the school for the 2024/25 financial year.

If school closure were to go ahead the individual school budgets would need to be separated out from the current amalgamated Federation budget. 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 Primary budget. The NYC Closing School Accounting Guidance applies to the treatment of the balances of a closing school (surplus or deficit).

There is a Leadership Team across the three schools within the federation which is led by an Executive Headteacher. The most recent full graded Ofsted inspection for Fountains Earth Primary was in April 2017. At that time there were 22 pupils on roll. Ofsted judged the school to be 'Good'. A short monitoring (section 8 inspection) took place in June 2022 when there were 11 pupils on roll. The report stated that the school continues to be a 'Good' school. As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences and the quality of education they require. At present, if any pupils were to apply to join Fountains Earth Primary, there is no real prospect of them being able to get a full and balanced school experience in the absence of any peers.

There are two neighbouring North Yorkshire primary schools within c.8 miles radius of Fountains Earth Primary School, St Cuthbert's CE VC Primary School at Pateley Bridge and Glasshouses Community Primary School. There are five other primary schools located on the periphery of this radius, including; Kirkby Malzeard CE VC, Summerbridge, Dacre Braithwaite CE, Grewelthorpe CE School and Masham CE VA School. Pupil roll and capacity information for all local schools can be found on the consultation page of the NYC website.

At present, there is a discrete catchment area solely for Fountains Earth, CE Endowed Primary School. It is proposed that St Cuthbert's CE VC, as the next nearest alternative school at 6.5 miles by road and which is also a CE school, would incorporate the existing Fountains Earth, Lofthouse catchment area as an addition to its existing catchment area in the event of a closure. The Church of England Diocese of Leeds has indicated early-stage support for this approach.

Andrew Dixon explained that views on this option, or other ideas for future catchment areas, should the school close, are being asked for as part of this consultation.

There is a parallel staff consultation process being undertaken.

In terms of Governance, Andrew Dixon explained that a new instrument of governance would be required to reflect the change to the federation should closure take place in March 2024.

The Council owns most of the school site and is currently clarifying the position regarding the remainder of the site with the Land Registry and the Diocese. Decisions about future use would be taken after determination of the closure proposal.

Andrew Dixon then outlined the consultation timescales and he emphasised that a two-stage consultation process would take place before any decisions on the proposals were taken. All views expressed at this public meeting would form part of the report which is considered when the decision on whether to proceed to the second statutory consultation is taken. The statutory consultation is a further 4-week period when there is opportunity for comments and responses.

Andrew Dixon stated the consultation runs until the 22 December 2023 and urged people to respond either online or by freepost. A report will be prepared and presented to the Council's Executive on 23 January 2024.

Andrew Dixon then presented a slide with the details of the panel who would take questions from the audience:

- Amanda Newbold – NYC Assistant Director, Education and Skills
- Andrew Dixon – NYC Strategic Planning Manager
- Julie Pattison – NYC School Improvement Principal Adviser
- Helen Nelson – Co-Chair of the Federation Governing Board
- Canon Richard Noake – Diocesan Director of Education, Church of England Diocese of Leeds

Amanda Newbold asked Andrew Dixon that it would be helpful at this point to explain about the presumption against the closure of rural schools, and the additional issues that decision makers must have regard to.

Andrew explained that the school is designated as a rural school and added there is a presumption against the closure of rural schools, but this does not mean that a rural school will never close. There are a number of additional questions that decision makers must have regard to as set out in the Department for Education (DfE) guidance. These questions will be set out and considered in the report to the Executive in January.

A question was asked if the additional questions could be made public. Andrew replied that this information was already in the public domain but in addition he would ensure it was provided.

Andrew then handed over to Amanda Newbold who chaired the questions and answer session

Questions

A member of the community asked how many pupils would the school need on roll to make it viable?

Amanda Newbold replied, there is no specific figure but pupil numbers drive income and there are costs to running a school for example, site costs, teaching staff. Where schools form part of a group, costs can be shared. The issue at this school is there are no children on roll.

Richard Noake said it is not wise to set a threshold of a certain number of pupils for viability of a school. Richard said he had to date been involved in 14 consultations for school closure proposals due to a change in demographics. In terms of Church Schools, the Diocese provides opportunities to federate with other schools, as is the case here.

Amanda Newbold said there are 54 schools in the county with fewer than 50 pupils and all but 4 of these schools are in a federation or trust sharing resources and costs.

A member of the community said that, prior to the pandemic, she asked the school about reception numbers and was told that all reception children were being taught at St Cuthbert's.

Cllr Murday, NYC said it would be a 'disaster for the community to lose the school' and that there must have been a breakdown in communication between the school and parents. It is important for parents to understand what has gone wrong and that it doesn't go wrong again in the future of the federation. He added, children in the community don't want to spend an hour in a car travelling to school.

Cllr Murday added that members of the public can ask to speak when the report is presented to the Council's Executive.

Amanda Newbold said that from 15 January 2024, the papers for the Executive will be available on the Council's website for the meeting on 23 January 2024. Members of the public may ask questions or make statements by applying through the Council's Legal and Democratic Services.

An ex-parent said there was a need look at pupil numbers from much further back than June 2022 to fully understand the situation. Parents felt forced out of the federation of schools. They now had to transport their children to a school much further away, with a 23 mile round trip and yesterday morning there was a blizzard and thick ice.

The Co -Chair of Governors Upper Nidderdale Federation responded that she had been elected in March 2023 and that she believed that there had been some communication issues between parents and the leadership team and that some issues had not been resolved.

Amanda Newbold said if there are parents that are uncomfortable sending their children to other schools outside of the federation, that they need to discuss any issues in the first instance with the governing body.

The Co -Chair of Governors Upper Nidderdale Federation replied saying that she understood two of the children that left Fountains Earth had gone to one of the other schools in the federation.

An ex-parent said there had been no communication with parents for over a year and that he had put a letter of complaint into the school that wasn't addressed. Eleven pupils have gone to other schools and this needs to be questioned.

The Co -Chair of Governors Upper Nidderdale Federation replied that as governors they do ask questions about pupil numbers but they do not get involved with operational issues at a school level.

An ex-parent asked if the governing body were happy with the pupil numbers across the federation?

The Co -Chair of Governors Upper Nidderdale Federation replied saying that the question was not part of the consultation.

Amanda Newbold said it is important to hear views and encouraged people to respond with their views via the consultation.

A member of the public said that she had previously worked at the school as a Teaching Assistant. Headteachers during her time at the school were fantastic, the school was like a family, they did a lot of fundraising, the teacher did what they could and it was one unit. She was upset to find out the school may be closing and that all the parents had taken their children out of Fountains Earth and it had 'broken her heart'. Something has gone drastically wrong. If the school closes, part of the community will be gone forever. Why had parents not been listened to before it got to this stage and their questions addressed?

The Co -Chair of Governors Upper Nidderdale Federation said there had been meetings with parents to try to understand the reasons for parents removing children from the school, for example one year 6 pupil would have had no peers if they had stayed at the school. If there had been a mass exodus for other reasons, then the governors would like to know why.

Amanda Newbold reminded the meeting that the Council were here to facilitate the meeting and that the position today is that there are no pupils on roll at the school.

An ex- school parent and governor and member of the Parish Council said he had previously helped with the school's sporting activities noting that the school came 1st out of 147 schools for TAG rugby in the Harrogate area, adding that small schools can achieve great things. Looking at the data, when about 25% of parents had chosen not to send their children to the school and this is now 100%, surely this was a red flag and a starting point for discussions?

Andrew Dixon explained that the LA monitor pupil numbers on a termly basis but added we would not normally see a reduction of pupils at a school so quickly.

The Co -Chair of Governors Upper Nidderdale Federation added when she started as a governor, there were 7 pupils on roll. Governors knew about the previous pupil numbers reducing at the school and there was always a reason given. The governing body met with members of the community last Summer and understood at this meeting there were other issues involved.

Vice Chair of the Parish Council said he had watched events closely at the school since June 2022. He had met with parents and the local MP. He was called for interview as an associate school governor and this was cancelled by the school at very short notice and that he has not heard anything since. He had subsequently followed this up with the LA and is still awaiting a reply. There appears to be a deliberate policy to close the school and he questioned the behaviour of the leadership team at the school and to a lesser extent the governing body.

An ex-parent said there were communication problems with the school and governors and that it was not good enough that a meeting was cancelled one hour before it was due to start.

The Co -Chair of Governors Upper Nidderdale Federation responded and acknowledged there were communications problems at the school regarding this meeting.

An ex-parent said that he understood that every time a prospective reception pupil showed interest at the school, they were directed to St Cuthbert's or Glasshouses. Parents with children living locally wanted access to the local school, the community felt forced out. He stated that he can remember a Year 6 class at one stage having 8 pupils in one class and to go from that, to this position, should be of concern.

The Co -Chair of Governors Upper Nidderdale Federation thought potential reception children may have been encouraged to attend other schools within the federation and this could have been put in place by a previous headteacher.

A former Headteacher of Fountains Earth and St Cuthbert's said that it was categorically not the policy to send pupils to another school. She expressed concern that the current leader of the school had not acted with sufficient passion to address issues when the school became vulnerable, and also questioned why the leader was not at tonight's meeting to answer questions in person.

An ex-parent asked when and where was a permanent teacher position advertised?

The Co -Chair of Governors Upper Nidderdale Federation said she believed it was on the NY Council website and other websites.

Amanda Newbold asked Julie Pattison to reflect on the challenges of recruitment and retention in small schools.

Julie Pattison added that the smaller the school, the more year groups you have to teach together and lots of small schools find this a challenge.

A member of the public stated he had taught in Ofsted rated outstanding primary schools and now lives in the village and is available and would be prepared to undertake a free trial at the school.

A member of the public said information in the report stated that the school had not been able, over the last five years, to recruit a permanent teacher and that this was incorrect. Why is it now a problem to retain staff and to drive up the dale?

The Co -Chair of Governors Upper Nidderdale Federation said she understood there had been significant problems recruiting staff to the school because you have to teach such a broad spectrum of age ranges and it is a massive ask of any teacher, that is why the school has gone out to agencies.

Andrew Dixon said the wording in the report regarding staffing came from the school. If the information has been misinterpreted, this will be looked into and corrected if necessary, in the next report to the Council's Executive.

An ex-parent said there had been amazing teachers at the school, a good supply teacher moved to Glasshouses School, the Headteacher's partner was then appointed as a teacher at the school. His daughter had not had one single piece of homework.

Amanda Newbold noted that she was picking up issues from the meeting around the turnover of staff at the school.

A Parish Councillor said they appreciated the financial challenges but we are at a point where we want rural communities to thrive, so why would we want to close a school when we should be encouraging families to move here, particularly now the community has superfast broadband which provides more opportunities for people to work from home.

Amanda Newbold said that the 'in area' children data showed decreasing numbers overtime and that the LA had not yet seen evidence of children moving into the area.

A member of the public said that a number of children go to private schools and that these children are not captured in the data, if good local education is provided, they would attend local schools.

Amanda Newbold asked Richard Noake for his view on recruitment in general.

Richard Noake commented it was very difficult to recruit good, experienced leaders and teachers across the Diocese.

A member of the public asked why was the good teacher pushed out of the school?

A member of the Parish Council said when the school was looking to close last year, a group of parents attended a meeting to show their support for the school and they are all here tonight. They added that the current Headteacher had never held a meeting at the school for parents. Further issues were raised including why no hot food was provided for children at lunchtime and no extra curriculum activities.

He added that banners were placed outside both St Cuthbert's and Glasshouses schools to say they had been rated 'Good' by Ofsted but there was no banner placed outside Fountains Earth.

There was a very good teacher at the school in September 2022 when a school closure proposal was first mentioned and because that member of staff thought the school was closing, they transferred to St Cuthbert's. Why didn't the Headteacher bring that teacher back instead of choosing to replace that teacher with her partner?

A further question was asked about rural schools and budgets.

Amanda Newbold explained that all schools have a base funding figure, then a figure per pupil and a sparsity factor for schools that are both small and remote. Budgets for the three schools within the federation are amalgamated.

A member of the Parish Council asked where the sparsity funding allocated to Fountains Earth had gone or was it placed in the accounts of St Cuthbert's and Glasshouses School? Fountains Earth is a rural school and should not be in a deficit.

Amanda Newbold said governors oversee how money is spent.

The Co -Chair of Governors Upper Nidderdale Federation said that finances are looked at separately for each school, the issue here goes back to there being no children on roll.

A member of the Parish Council said that part of 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.

As regards the proposal regarding the existing catchment area of Fountains Earth, nobody from the community goes to the other two schools within the federation, so this needs to be taken into account.

Amanda Newbold said there are still some unanswered questions around the ownership of the school that the Council is looking into.

A member of the Parish Council commenting further on the proposed catchment area, said local children are not going to the other two federated schools and the community opinion seems to be against being part of St Cuthbert's catchment area.

A member of the public said as most pupils are now attending Masham Primary School, should the current catchment area of Masham School be extended to include the current Fountains Earth School catchment area?

The Parish Council Chair, said there has been a lack of communication, honesty and trust. Parents have voted with their feet. Unless the leadership team is altered, the community do not want to see the current catchment area of the school become part of St Cuthbert's catchment area. There has been little action from the Council and Diocese on the matter of declining pupil numbers. Pupil numbers are also down to 48 now at St Cuthbert's.

A member of the community asked how many people at the meeting would take their children to St Cuthbert's and Glasshouses. No hands were raised.

Andrew Dixon asked how many parents were at the meeting tonight and seven people raised their hands. He then asked how many of those parents would send their children to either St Cuthbert's or Glasshouses, no hands were raised.

Amanda Newbold closed the meeting and thanked everyone for their attendance and contributions.

The **meeting closed** at 19:25.

APPENDIX 6

PUBLIC STATEMENT TO SKIPTON AND RIPON AREA CONSTITUENCY COMMITTEE (ACC) - 14 DECEMBER 2023 AND CYPS OFFICERS' RESPONSE**1) Public Statement to Skipton and Ripon ACC**

I'm here to formally request an independent investigation into the leadership of the Upper Nidderdale Federation.

Fountains Earth School is part of the Upper Nidderdale Federation. My son attended the school and we had planned for his brother to join in September. However, last summer we, along with other parents in the school, took the difficult decision to remove our children. The decision was difficult because we knew that closure of the school was inevitable, and we knew the consequence of this on the upper dale community.

I am not here today in the hope that the school remains open. I'm here because it is *not* clear how North Yorkshire County Council is effectively monitoring its school Governing Boards, and, in particular, the Governing Board and Leadership team for the Upper Nidderdale Federation.

I first wrote to the Council in Autumn 2022 with concerns after a string of events led me to raise a formal complaint. My concerns centred around the decision making of the Governors and Leadership team, including recruitment practices and accountability. Despite requesting one, I was NOT given an impartial hearing and my complaint was heard and dismissed by members of the very Board that my concerns were addressed towards.

Over the last year parents tried to work with the school for the best interests of our children, but the leadership was not engaged. Instead - it chose to silence or take an opaque stance to our questions and concerns.

Those children who have moved from Fountains Earth, including my own, have been deemed 'behind where they should be' and, despite requests, there has been NO documentation sent to their new schools. Our fears have been proven - the educational provision was not consistently good enough at Fountains Earth, and the school was made the 'poor relation' with a conscious intention to close it.

It is my belief that the Governing Board of the Upper Nidderdale Federation is not doing its job in holding the leadership team to account and from what I am aware of, there have been serious conflicts of interest in relation to recruitment of both governors and staff as well as questionable practices in relation to the process by which governors are appointed.

A petition requesting an independent investigation now has over 1000 signatures, 570 of which are from the local area and 3 of which are from current and former Federation governors.

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What brings me here today is that since the petition has been circulating, a number of former federation staff have contacted me with information about their personal experiences that should raise serious questions and warrant a full investigation.

It is my sincere hope that you will now take these matters forward, act appropriately and see that a thorough investigation does take place.

2) CYPS officers' response to the public statement regarding Fountains Earth Primary School and the Upper Nidderdale Federation at the Skipton and Ripon Area Constituency Committee 14 December 2023

With regard to an independent investigation:

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 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.

With regard to complaints raised about the school:

In accordance with [Section 29\(1\) of the Education Act 2002](#), all maintained schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures. The duty to establish procedures for dealing with complaints lies with the governing body and not the council. Only complaints outside of the scope of the school's policy would be considered elsewhere by either the DfE or Ofsted.

About one year ago North Yorkshire Children's Services did receive correspondence about the school and signposted the writer towards the school's complaints policy. The council also provided information at that time about how to escalate the concerns to other organisations if required.

If parents, staff or community members have new concerns about the school, officers would advise them to raise these using the appropriate schools complaints procedure. As stated, it is rare that a complaint involving a school falls upon the Council to investigate it.

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With regard to the query about pupil information being passed from school to school:

Schools hold detailed information about pupil progress and schools involved in pupil transfers work together, with parents and other agencies as required, to pass required and relevant information on as part of the transfer process.

With regard to school performance:

Ofsted inspected the school in June 2022 and reported that the school continues to be a good school. The report provides more information about leadership, curriculum and safeguarding.

The Council is currently undertaking the required process regarding the proposal that Fountains Earth School should close. Unless advised otherwise by the writer, both today's public statement and the response of the council officers would be included in the consultation feedback which is scheduled to be reported to the Council's Executive on 23 January, following the end of the consultation period.

APPENDIX 7

**Fountains Earth, Lofthouse Primary School
Responses received to the consultation**

	Do you have any comments about the closure proposal?	Do you have any comments about catchment areas?	In what capacity are you responding to this consultation?
1.	The way the school have gone about the closure is shocking. They have bullied parents away. They failed with a safeguarding issue where they left a child to be with a member of the public alone in the changing area at the swimming pool while the staff sat and drank coffee. The incident was reported to the head after the teacher Mr # didn't report it and his answer to parents was he will deal with it next time at pool. Major Safeguarding concern that teachers don't follow protocol and the head wasn't made aware straight away. Was reported to Ofsted and local authorities.	I travel to burnt Yates, my child travels 30 minutes in the car each way. I travel 2 hours to complete school runs. We applied for the school at glasshouses and was turned away. My child has sen needs and they don't cater for sen children at all. Dacre Braithwaite is so full, we are having to travel long distance and it's not healthy for the child. It's restricted how many hours I can work due to how fare I have to travel. The road is so busy coming up and down from Lofthouse. Finical impact during to cost of fuel.	Ex parent
2.	Due to poor leadership of the executive head teacher and leadership team, pupil numbers and finances are an excuse.	Thriving area of outstanding natural beauty, very strong community which backs the school wholeheartedly. Lots of new families moving to the area, as now working from home is much more accessible.	Parent
3.	This is a the worse decision ever made by NYCC. This school was given to the village by people who wanted to ensure the future education of local children. The fact, as soon as it was passed over, its demise started. If there is any way to pass it back to the community, then this should be exercised.	The catchment area could be extended.	Community
4.	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. The remaining schools in the federation can take the future children from the area, and therefore maximise the available spend for the two other schools. The school will never reach a required amount of pupils, really needed to be around 30 in order to make it cost effective and also beneficial for the children with their social groups. Staffing will be near impossible as a FT teacher to reach across an 8 year age range, with differing needs, is extremely complex. The curriculum is challenging now, maybe that was different in the past		Community

	when other staff have been long standing and successful at that time, but the world has moved on.		
5.	<p>This school and the federation as a whole has failed many children in the dale including Lofthouse, st cuthberts, glasshouses . My daughter was in st cuthberts school as a year 2 student , she was failed by the school on multiple occasions . For example they would not provide her with a reading book for over 6 weeks and was told to simply read it again. For 6 week it's disgusting, I confronted the deputy head one morning in the school corridor I explained my concerns regarding progression of my child , making her read the same book for 6 week destroyed her willingness and eagerness to learn . Her development really suffered in the time she was at st cuthberts . I also explained that the fact that all the teachers were off with stress related issues were not making a settle environment for my child , they couldn't provide her class with a constant teacher everyday she would have a different teacher or just a cover TA this went of for around 6 months which my child suffered with . Whilst I was having the conversation with deputy head she agreed we with everything I said she stated it wasn't good enough and she said if I was you I would move your child out of the school as it was wasn't it a great state . The was not instilling me with any confidence that the school could look after my daughter education. I made the only decision possible to me which was to move her to Dacre braithwaite and all I can say is what a fantastic school she is now part of . Out of 12 children which started school with my daughter at st cuthberts there are now no children left . Can you tell me why ????? There has been no accountability or transparency into why so many children have left ! Now this has also been happening with Lofthouse children and glasshouses children ? Why have so many children left fedation within 2 years ? Many good teachers have been bullied and pushed out of these little schools which are the heart of our community . I have nothing but dissatisfaction towards the</p>	Why should children have to travel out of there area just to go to a school!	Parent
6.	It appears that this school has now run its course and is proving to be a burden on the wider federation.	The catchment area is well served by numerous other primary schools within reasonable travel distance.	Parent
7.	Village / rural schools are such important hubs for building a community, and provide a wonderfully safe environment for children to thrive. They should be kept open at all costs- it is out of the councils control to stop village shops / post offices / pubs closing but closing schools will accelerate community decline.	Why do you not enforce postcode catchment areas for undersubscribed schools as well as oversubscribed schools. Seems crazy that parents can choose to live in a village community, but then cherry pick their school at the detriment of that village. In the towns you strictly enforce postcodes driving pupil admissions,	A village resident who's school is also suffering from declining numbers.

		why not the same for villages to help build thriving communities??	
8.	So wrong to close these village schools .The dale has a strong farming comunity that need this school .These rural areas are slowly dying ,we have no shops ,no public transport ,and now our school is under threat .We need to encourage families to these areas .		Community
9.	While I appreciate the financial case for closure, and the fact that we are where we are with pupil numbers, I would like to put on record that the collapse in pupil numbers in the past three years is not a natural result of demographic changes. When my older daughter moved to secondary school in September 2021 we had to move my younger daughter to a school with wrap around care, as I couldn't physically transport one child to Harrogate and the other to Lofthouse when both schools started at the same time, or collectvfrom Harrogate and Lofthouse simultaneously either. Further, at the same time Lofthouse lost its second teacher and advised parents that teaching would be by teaching assistant and twinkl worksheets most of the time. The teacher was pushed into early retirement by the executive headteacher, so it was not a matter of retention. Her job was not advertised, so it simply wasn't a question of recruitment. Also, the remaining highly experienced teacher was then forced out and replaced by a relative of the executive headteacher, and recruitment was impossible after that because candidates feared the same would happen to them. I feel it is untrue to blame recruitment and retention issues for part if the problems here without acknowledging that these were exacerbated by the schools management. No effort has been made to engage the community or explore alternative models whereby the village might retain a school and parents didn't face up to a 26 mile round trip to the nearest primary school, further by the way than it is to the nearest secondary school. How can a parent put a 4 year old on a school bus to and from school to travel unaccompanied for half an hour with teenagers? Realistically, Lofthouse parents will have to drive and with no wrap around care to speak of in Pateley, that means parents can't work full time and women in particular will be further disadvantaged. Demographics in the longer term suggest that there is a need for a school in Lo	The proposed catchment area for Pateley Bridge is far too big for Primary School - it us unsafe to have KS1 students travelling by bus for such a distance with teenagers, unsupervised. Safeguarding. It also provides parents with no choice but to patronise the federation, which goes against the principle of school choice and marketisation and will only drive down standards and endure that management are unaccountable. Not least because the closure of glasshouses school for reasons of economic efficiency can't be far in the future.	Community
10.	This is a sensible decision as the school costs a lot of money per child to keep open, the children can't fully experience all of the subjects and lessons to their full potential when so little teachers	The children in upper nidderdale wouldn't have to travel too far to attend the larger primary school.	Community

	and TA staff cover all age ranges. The small amount of children which attend this school would be better suited and educated at the local primary school in pateley bridge where there are greater learning opportunities and peer interaction which will help the high school experience.		
11.	<p>I strongly object to the closure of this school. The reason there are no children on roll now is that parents have lost all faith in the leadership team for this federation and seeing no way forward have all opted to remove their children from this school and place them outside of the federation. This comes at a massive cost to parents, firstly financial, cost of time and fuel to take children outside of the federation is a huge burden to families. Hill farming communities and farm labourers are some of the poorest workforces in the country and this is an unfair burden. Secondly taking children away from their local community has a negative effect on friendship groups and bonds that children make with each other and members of their wider community affecting community cohesion and children's own idea of self and value within a rural community.</p> <p>Thirdly there is an environmental impact of commuting children over long distances and on minor roads that needs to be considered, spending at least one hour a day commuting to and from school is not advisable for primary aged children. Recruitment and retention of staff has not been a priority of this leadership team and indeed staff who have worked successfully at the school have been poached to other schools within the federation instead of making Lofthouse a priority. As a previous governor of this school and who's own children also attended the school although finances were always tight there was enough to invest in a two class structure and have it's own dedicated head teacher who was also the key stage 1 teacher. This was based on similar low numbers of approximately 15 as we're attending previously so why is this not now possible. Combining the accounts of all three federated schools masks what is really going on here and I would urge that the finances are separated out to review this more clearly. St Cuthbert's school is running at a far fewer number of learners to its potential than I believe Lofthouse was. Indeed the</p>	The catchment area option limits parents to the two other federated schools. As there is complete lack of trust in the leadership of this federation I would oppose this as provides no opportunity for parents to go outside this area and be supported in that choice	Community
12.	<p>Small village schools are an important part of our education system - they form part of the community and children belong to a family within the school. For some children large schools are overwhelming and children become anxious and unfocused. Having worked in a small primary school I know how well staff know</p>		Other

	<p>the children and the care which each child is given through that knowledge of the child and the family. This is a very important factor which cannot be lost. Children also benefit from a close relationship with older and younger peers which is nowhere near the same in large schools. Older children learn to care and appreciate the younger children. Children can also work with older and younger children to either develop their strengths or enhance their needs. Please do not close yet another village school. They are priceless</p>		
13.	<p>Fountains earth was once a fantastic school with fantastic staff and leadership team. Since the new head was appointed it has been clear that she wishes glasshouses to be the stand out school, fountains earth and our children have been in “in her way” of her agenda from the beginning. She has tried to alienate parents and the community from the school in order to make it easier for her to close the school. If parents even asked why something was happening we were banned from the yard/school premises. Hot meals ceased, parents viewing swimming lessons ceased as a child was left alone to attend the toilet and a member of the public had to help him use the toilet, when parents asked what happened we were told we could not go and watch swimming again. All the staff were bullied out and temporary staff took their place for a few months at a time, until the head teachers boyfriend took the teaching job, well until he then got a job at glasshouses. The school has been purposely run into the ground and we parents have been lied too time and time again by the head and the governors. The former head of governors even got caught out lying in the first public meeting which was a parish meeting in lofthouse village hall. She then admitted she “made it up” regarding pupil numbers. The head has let down this whole community and used our children to make her own agenda work for her. Fountains earth has always been a fantastic school until this Head was employed. The only reason that pupil numbers have fallen now is her! And fountains earth parents are not alone, parents from the other two schools in the federation have also started to remove their children from the federation schools. Regardless of the outcome of the closure, this Leadership needs carefully and thoroughly investigated.</p>	<p>Catchment areas can only be catchment for so many children for so many years, we need fountains earth to remain open under new leadership</p>	<p>Parent</p>
14.	<p>This school is the heart of our community and would be a great loss</p>	<p>No</p>	<p>Community</p>
15.	<p>> I understand that this is a consultation process but I’m sure that others will agree that this seems to be a tick box exercise.</p>	<p>Upper Nidderdale shouldn’t be in StCuthberts catchment area due to the above reasons, however</p>	<p>Parent</p>

	<p>However, as part of this consultation I would urge the council to look into the following questions; > > > - Recruitment of permanent staff and the difficulty of this has been listed as a one of the main reasons for closure, please tell us how many times have the federation attempted to recruit a full time permanent teacher to Fountains Earth in the last two years and where the permanent teachers job was advertised? > When asked if a permanent teacher would be recruited for Fountains Earth from Sept 2023 after the very sudden leaving of Mr #, the chair of governors told us that "I'm certain that's what's happening" however, this was later changed to a permanent teacher recruited for the federation and not Fountains Earth. > > - Can you tell us what 'support' (as referred to in the report) the leadership team and the governing board have provided to Fountains Earth in the last couple of years? > In my opinion there has been a total lack of communication and some deliberately deceptive behaviours, in fact the chair of governors said "we should have met with you (parents) sooner" when she eventually met with parents just a few weeks before the end of the summer term last year. > > - Why are there no children left at Fountains Earth? Why have none of the children gone into the other schools of the federation? > As families with primary school aged children we are now making 23 mile round trips twice a day. On Monday morning it was blizzarding going across the moor and this morning thick ice and we have months of this to come. > > The bottom line is that if you provide a good education with good leadership and engagement then people will come, just like they have at Dacre Braithwaite and Summerbridge. > I thoroughly believe that we have been forced from our school and we'd urge more understanding of the overall situation that I</p>	<p>the school run to Masham is the same times wise and more children are heading to Masham (3 more due to start there this coming September from Upper Nidderdale).</p>	
16.	<p>Three of my children attended Fountains Earth (FE) starting in 2014. Two were still attended up until July 2023. In June 2022 there was 12 pupils attending FE and due to proactive parents this number increased to 15 by Sept 2022. I doubt not many schools, that are threatened with closure actually increase during a time of uncertainty. But it did at FE and this showed that the parents within the community were still very much supportive and know the potential of the school if it was run by a supportive leadership team. So why by July 2023 did FE have ZERO pupils on role? In Sept 2023 a new permanent teacher was recruited to FE. Parents soon discovered that this teacher was in a personnel relationship with the Executive head of the federation. A back dated 'business of</p>	<p>The proposed catchment school of St Cuthbert's will not be supported by parents under the current leadership team and this was shown by a vote of hands at the public meeting</p>	Parent

	<p>interest' was posted on the schools website when the findings were questioned to the leadership team. Formal complaints were raised about the recruitment process especially given that the Executive head was on the interview panel. Parents did keep open-minded about the new teacher and remained optimistic. In June 2022 the school was given a 'good' Ofsted rating and in the report was praised for 'Federation Friday' which enabled the children from updale to join in team sports etc with larger groups. So why was Federation Friday reduced from once a week to once a term immediately after the inspection? Why was hot food removed? PE limited to either no PE lessons a week or only half an hour swimming lessons? Sandwiches were made at St Cuthbert's school and transported up to FE school on a Monday and the same 'stale' sandwiches fed to the children on the Friday. No school trips took place despite several offers from the PTA to fund one school trip per term. Why were children left for long periods on laptops while the teacher 'had to make phone calls'? Why were children left alone with admin staff? Why were children and parents left standing after 9am at the school gate next to a deceptively bu</p>		
17.	<p>As member of the top of the dale community and church warden at St Chads Middlesmoor I have very strong feeling about keeping our school open. We are very close up and our is very important to all. I have helped at the school in the past listening to the children read helping with different crafts always like a big family. The school is very much part of the community and has been for a lot of years. I was a pupil there many years ago same as a lot of people up here. The Bell Festival which is held in June each up at the church in Middlesmoor is for the children of Fountains Earth and all local children with a church service followed tea's competitions and sports it as been a big family day for over 150 plus years. To see the school close would be a very sad day.</p>	<p>To get our children to any of the schools in the catchment area is quite a long round trip in parents from up here in any direction, The price of fuel and weather conditions particularly in winter is far from ideal. To put a 4year old child on a bus to travel to the nearest school is not a good thing, this must be considered</p>	Community
18.	<p>This closure has been engineered by the trust to attempt to move the pupils to Pateley Bridge which itself is undersubscribed. The fact that Pateley Bridge is undersubscribed should prove to you that it is badly run and of a low educational standard, especially when alternative nearby schools are full I.e. Summerbridge, Dacre Braithwaite and Admiral Long at Burnt Yates</p>		Community
19.	<p>We support the closure of the school</p>	<p>New catchment area will need to be extended to include the upper dale</p>	Community
20.	<p>It will rip the heart out of this farming community if this school closes !</p>		Other

21.	<p>Leadership and management issues by current federation leadership have in my opinion lead to alienation of parents, staff, local community. It is wrong that this is being allowed to happen. This school could thrive again but not with current leadership. The two further schools in federation have far fewer pupils on role than before current leadership. Nearby schools outside the federation are full of these pupils as parents vote with their feet. Staff turnover has been similar. Is no-one asking why? I agree strongly with the request in current petition for an independent review of leadership of the federation. Past staff of all federation schools and parents, along with community should be given a safe avenue for expressing their experiences under current leadership. Something has gone drastically wrong and to allow the closure of Lofthouse school is not addressing the problem. The current leadership should be held to account for what has happened to all 3 previously thriving schools over recent years and actions taken to remove and replace. The Nidderdale community deserve this.</p>	<p>The proposed catchment area for St Cuthberts will drive families away from the upper Dale and weaken the community. A bigger issue is that families seeking a school outside the federation will have large distances to travel.</p>	Community
22.	<p>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." There are currently 16 pupils in the catchment area of Fountains Earth School. Ten of these pupils have transferred from Fountains Earth School to other schools in this current year because of dissatisfaction with the leadership of the Upper Nidderdale Primary Federation, evident from comments made at the public meeting on 29.11.23. If the school was defederated and placed back under the control of the Local Authority, as I believe it was pre 2017, then parents would have confidence in returning their children to Fountains Earth Primary School. This was demonstrated at the public meeting on 29.11.23 where the community and current parents were all in support of maintaining the school. I would request that North Yorkshire Council explores the possibility of defederation as this would be in the best interests of preserving local education for the community of Upper Nidderdale. I understand that the local authority can request defederation of a school as detailed in DFE Guidance on Federation. I also believe there are suitably experience, committed and qualified people in the local vicinity to run the school effectively and form a new governing body with the aim of re-establishing a successful school.</p>		Community

23.	<p>I support the closure of Fountains Earth Lofthouse Primary School. Whilst this is extremely sad to close a small school and nobody wants to have to make that decision, the welfare (educational and social) and educational needs of the pupils and the sustainability of the school have to come first. A small class where there is a 4 year old, sat alongside a 10 year preparing for SATs and high school, must raise alarm bells. Neither child can have a normal or good emotional and social experience (they have no or limited peers of their age) and education is extremely challenging. Consequently the teacher has a huge workload. The Federation's resource (time, money, effort) used is disproportionately. 11 to 18 pupils are catered for at the expense of the other 100 pupils in the Federation. This is not fair to the rest of Nidderdale's children. The headteacher, deputy head and maths and English leads have all had to commit vast hours and effort to making Lofthouse work. This alone is unsustainable. Without the support of the community in sending many more children to the school it is no longer viable. Keeping a school open at any cost (financial, workload, mental health etc) is not acceptable. The community claim it is the heart of their community, but beyond the education of the pupils and the odd harvest festival and Christmas celebration, the community do not interact with the school. X explained to me that the community is most concerned that if the school closes the pubs will close and the house prices will fall.</p>	<p>If we choose to live in a rural area we accept that hospitals, schools, train stations etc will be some distance from us. The LA offers to support families with school transport from their home (not just from Lofthouse) which lessens the impact. Unfortunately a rural school does require reasonable pupil numbers (30 plus) to allow it to be viable and thrive. In recent years a former headteacher refused to take new reception pupils and parents had to send children elsewhere. This is where the decline in numbers started. Other parents choose to send their children to private schools. The community say that they do not want the school to close, yet they did not send their children this year. A lack of new affordable housing and a significant number of holiday homes and retired people in the local area has had a negative impact on the low pupil numbers. Parents have also opted at times to remove their children after year 5. The community have been concerned about the school's future for the last few (approximately years 4 plus) yet these wider factors have not changed and pupil numbers have dwindled as a result. Clearly a school with no pupils cannot stay open.</p>	Governor
24.	<p>I don't think this school should close because there are a lot of pre-school children living in the catchment area who would go to this school in the future if it were to stay open. Also, the school is an important part of the community.</p>	<p>As discussed at the recent consultation meeting, if this school were to close then parents would not be willing to send their children to the other 2 schools within the Federation due to them having no confidence in the Headteacher or leadership team. Therefore children would have to travel a considerable distance to the nearest primary school outside of the Federation.</p>	Parent
25.	<p>The likely closure of Fountains Earth School is a very sad event for the community in Upper Nidderdale. I understand that the absence of pupils in the school makes a decision to close the school very likely. However the circumstances whereby a school that was graded 'Good' by Ofsted in June 20022, but only a few months later has no pupils, does warrant examination. As I understand it, North Yorkshire Council has a duty to oversee governing bodies of maintained schools. As such I believe that the Council has a duty to examine how the Board of Governors handled matters at Fountains Earth School in the months following the Ofsted inspection in 2022.</p>		NYC Councillor Andrew Murday

	This is particularly relevant for the future management of the other two schools in the federation, St Cuthbert's, Pateley Bridge and Glasshouses Schools. These two are the remaining primary educational facilities for children in the upper part of the dale. The risk is that if the governing body was not acting appropriately during the last 18 months, the same thing may happen in these other two schools with the subsequent ramifications for the education of children in Nidderdale.		
26.	I believe that reopening with a designated SEN unit would increase pupil numbers as so any rural SEN students have to travel for miles for education.	With a targeted SEN provision, catchment area could increase to reach rural communities across the district.	Community
27.	I support the very sad need to close this school. The evidence is clear, and speaks for itself.	The future catchment areas seem realistic	Governor
28.	It's hard to imagine the community not having a school but clearly if there are no parents willing to commit to wanting their children to be at Lofthouse School then it should close. The issue that concerns me is why parents feel the school can not offer their children a good education	The catchment area is acceptable .	Previous student
29.	Fountains Earth is a unique school that has in the past served the local community well recognising the need for the children from the outlying farms and the rural workforce to have a nearby school that understands what the children require. All my 4 children attended Fountains Earth Lofthouse, I served on the board of governors and contributed to the decision on what was to go on the badge for the school for the school uniform (the white rose for yorkshire, sheep for the rural community, church for the Christian ethos and a book to represent learning) They all have different strengths and have grown up to be well rounded adults and work hard, 2 on the family farm, 1 working for the N H S in the community and 1 working in hospitality as a manager. All 4 went onto further education. The school is an integral part of the community it is a meeting point for local families whilst they drop off and pick up their children that help support people's mental health. However something has gone wrong and needs to be put right as I believe it stems from leadership that has failed to understand the sort of school that Fountains Earth Lofthouse is and the needs of the local families. Just because it is part of a federation does not mean that children from Fountains Earth Lofthouse should be made to go to St. Cuthberts and Glasshouses why not the other way? Children from down the dale could be transported up the dale to enjoy the experience of an amazing unique primary school!		Community

30.	<p>This consultation has come about due to 0 pupils bow being on roll at Fountains Earth Primary School. NYC have to investigate and appropriately respond to the community as to why there has been such a vast decrease to 0 in such a short period of time. If communication, concerns and complaints were dealt with appropriately, first by the current SLT, then governing board and also NYC who have not responded to concerns expressed by parents and the parish council, there would not be 0 pupils on roll. The data shared by NYC show that numbers of primary school age pupils continue to increase in the catchment area over the coming years, this is not a case of decreasing numbers in Rural areas. The consultation also states that they have been unable to employ a member of staff for the last 5 years - up until the autumn term of 2021, the school had 2 experienced and much-loved teachers. One left abruptly at the end of the summer term 2021 (the first term of the new SLT team) and the second went on an absence of leave during the autumn term of 2021 - has NYC explored the reasons as to why these experienced teachers left - and gathered information from all stakeholders (not just the current SLT)? Has North Yorkshire spoken to previous members of the governing board who have resigned from their posts in the past 2 years? Where has the job been advertised and for how long? Has NYC evidence of the statement that shares they are unable to employ staff? The unique rural school of Fountains Earth provides an opportunity for a personalised curriculum to meet the needs of the updale children - a rare and positive experience for any teacher. One such teacher volunteered their services at the public consultation. The reason for having no DfE funding is due to 0 pupils being on roll – this should not be part of any decision to close Fountains Earth Primary School as if the governing board and NYC had taken earlier concerns seriously, Fountains Earth would not have 0 pupils on roll and t</p>	<p>Shared at the public consultation, Families are not sending their children to the proposed catchment school due to feeling forced from their local, primary School - Fountains Earth. NYC will share that, if they decide to put St Cuthbert's as the catchment school, it will be 'parental preference' to send children elsewhere - how can NYC confidently say this is parental preference when all past parents feel they have been forced out of Fountains Earth Primary school? The 2014 National Travel Survey shared that the average distance to school for primary aged pupils was 1.9 miles; NYC would be asking families to travel 7+ miles (although realistically making families travel 10+ miles to a school outside of this current federation). Have the School Improvement Adviser also looked at declining numbers in the proposed catchment school, under the same leadership? Although pupil numbers vary and can change, having a 'good' school where the difference between number of children in catchment area and those actually attending is so vast, should surely be a red flag for NYC and the governing board and shows an unmatched, negative trend compared to other schools. Have leadership teams from other 'local' schools been approached for their experiences with the current SLT at this federation as many of these have received an influx of children in the past 2 years from this federation. Travel to school: Increase of vehicles on small rural roads as children are now attending Masham, Summerbridge, Dacre Braithwaite, Admiral Long schools, as will not attend within the federation due to the actions of the current SLT and governing board – increased pollution, more vehicles on smaller rural roads linked to increase risk of accidents. Putting parents and children at risk when travelling through rural community during inclement weather (snow and Ice).</p>	Community
31.	<p>The school has been run down by the federation, by getting rid of staff and parents, so there were no one wanting to stay under the current leadership. The headteacher has never met with any of the parents at the school and never came to the public meeting at lofthouse village hall. There werent any parent govenors aloud on</p>	<p>None wants St Cutberts to have the catchment as figures show that they dont even have half their own catchment in the school(bad leadership) shows that since the federation numbers have gone down.</p>	Parish Councillor

	the board from lofthouse school and neither anyone from the parish council. The parish councillor has been on numerous governing board before around bradford school, so had lots of experience and he was discusted by the attitude of the federation. Numbers show that since the federation the numbers at the school have gone down so the federation hasnt benifited the school		
32.	The low pupil numbers simply are a mismanagement problem and deliberate exercise to drive good teaching staff and committed parents out. The school had no problems until becoming part of the Upper Nidderdale Federation. The timeline of events clearly shows staffing and pupil issues started after the new leadership took over, and especially immediately after the Ofsted inspection in June 2022 and employing the Executives Heads personal partner into the role in Sept 2022. There was no promotion of Fountains Earth, while promotional leaflets were printed pre June 2023 (governors minutes) this did not include Fountains Earth, while at the time was part of the federation. This is another piece of evidence that their agenda was to close Fountains Earth. The issues with recruitment and finances were not a problem pre UNF.	The catchment area must include schools out with this federation, especially if it remains under the same management team. There is no trust or confidence in the current leadership team and parents will not and are not supporting the other two schools in the federation.	Parent
33.	The federation hasnt benifited the school, the numbers show it all. The leadership hasnt had any contact with the parents and didn't even come to the public meeting, they have bullied all the parents and staff out of the school. School has never benifited the federation the numbers show that	St cuberts shouldnt have the catchment as numbers show they haven't even got half the pupils out of their catchment, bad leadership affecting this school.	Community
34.	I was a parent of a child at Lofthouse school. Under the right leadership this school could have thrived. It seems like the governors and leadership Upper Nidderdale Federation school ran Lofthouse school into the ground, intentionally. The local authority has not, so far, fulfilled its responsibilities in terms of holding the governing body to account. The numbers here would always be low, it is a very rural area, but this should not be a barrier to continuing to provide primary education. The distances people have to travel now each day are ridiculous, partly because there is no confidence in the rest of the federated schools (in Pateley and Glasshouses). Even though the round trip to the closest school in Pateley could be around 18miles for some families (twice each day). I received this response from the Department of Education after writing to them in August 2022 following the first request to consult on closure:		Community

<p>"I can assure you that the government is committed to supporting rural schools. We know that to preserve access for young children, local authorities may need to maintain more empty places in schools in rural areas than in urban areas, and small schools generally receive more funding per pupil than larger schools in recognition of the circumstances they face.</p> <p>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."</p> <p>Questions need to be asked and answered about what went wrong here 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.</p>		
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An additional three respondents did not leave any comments at all on their on-line form, and so their views are not known. Some of the respondents appear to have exceeded the maximum characters on the web form.

APPENDIX 8

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

**Proposal to close Fountains Earth, Lofthouse CE Endowed VC Primary School from
31 March 2024**

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	Andrew Dixon, County Hall
Names and roles of other people involved in carrying out the EIA	Sue Turley, Strategic Planning Officer
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Consultation started on 17 November 2023

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The proposal is to close Fountains Earth, Lofthouse CE Endowed VC Primary School from 31 March 2024. A period of consultation with the community has been carried out, including written consultation and a public meeting. A statutory representation period will follow if approved by Executive on 23 January 2024..

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The main factor prompting the request is there are currently no pupils on roll at Fountains Earth, Lofthouse Primary School. The School has operated with 34 pupils or less for the last 15 years. Since the 2017/18 academic year there has been a downward trend of pupil numbers and pupils numbers fell from 21 in 2019/20 to 15 pupils recorded in the October 2022 school census and 10 pupils recorded in the May 2023 census. All of the school's pupils transferred to other schools before the start of the current academic year and there were no new starters in the Reception year group in September 2023.

The school has in recent times experienced recruitment and retention difficulties associated both with the particular location of the school and the challenge of securing suitably skilled staff to deal with the differentiation required by whole school teaching in a single class structure.

Finance is also a key concern. The pupil numbers for the October 2023 census form the basis of a schools' funding for the 2024/25 financial year. The Department for Education (DfE) have confirmed that in an exceptional circumstance where a school has no pupils, no funding would be provided to the local authority for that school through the DfE Dedicated Schools Grant (DSG) schools block funding; this is the grant funding used to fund school delegated budgets.

In the event of the school remaining open, the local authority 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 School would need to be funded from the DSG funding allocations provided for other schools and academies within North Yorkshire.

If the school closure were to go ahead, 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.

As numbers fall, it is increasingly difficult to provide the remaining pupils with access to the full range of experiences and the quality of education they require. At present, if any pupils were to apply to join Fountains Earth Primary there is no real prospect of them being able to get a full and balanced school experience in the absence of any peers.

Section 3. What will change? What will be different for customers and/or staff?

If this proposal went ahead, Fountains Earth, Lofthouse CE Endowed Primary School would close with effect from 31 March 2024.

The proposals is that, in the event of closure, from 1 April 2024 the current catchment area for Fountains Earth School would become part of an enlarged catchment area for St Cuthbert's CE Primary School, Pateley Bridge.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation period ran from 17 November 2023 to 22 December 2023. Consultation documents were distributed to a wide range of stakeholders, and a public engagement meeting was held. The consultation document, responses, and notes of the public meeting are included in the report to the Executive for their meeting on 23 January 2023.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

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

As there are currently no pupils at Fountains Earth, Lofthouse CE Endowed VC School there would be no immediate transportation costs. Any pupils living in the current Fountains Earth, Lofthouse catchment area applying for school places at other local schools after the closure would be assessed under the home to school transport policy at the appropriate time. As such future transport costs cannot be estimated.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	x			Currently there are only 0 pupils on roll.
Disability	x			<p>Pupils – The school is mainstream offering universal provision. Currently there are no pupils on roll.</p> <p>Expertise will be utilised from the Council to provide appropriate SEN support.</p> <p>Staff – As an organisation NYC will continue to meet the requirements of the Equality Act 2010 which obligates us to make reasonable adjustments to accommodate disabled individuals as employees or service users.</p>
Sex	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.

Sexual orientation	x			No impact is anticipated.
Religion or belief			x	If the decision is taken to close the School, this will adversely impact upon those future pupils who wish to be educated in a Church of England School. Parents can apply to another CE school and the local authority will do its best to comply with their preference through the co-ordinated preference exercise. Potential impact is mitigated because the next nearest school, St Cuthbert's in Pateley Bridge, is also a Church of England primary school.
Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil partnership	x			No impact is anticipated.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
...live in a rural area?			x	<p>This proposal would have an adverse impact for those living within the catchment that in future would have wished to attend Fountains Earth School as they would have to travel to alternative schools. However, at present there are 0 pupils on roll meaning that parents are already travelling to neighbouring schools by choice.</p> <p>The nearest school is St Cuthbert's Primary School, Pateley Bridge which is situated 6.5miles from Fountains Earth, Lofthouse CE Endowed Primary School and has places available in all year groups. The second nearest school is Glasshouses Community School which is 8.1 miles from and has places available in all year groups. Both these schools are part of the Upper Nidderdale Primary Federation along with Fountains Earth School.</p> <p>Free home to school transport would be provided for eligible pupils within the enlarged catchment area in accordance with the Council's Home to School Transport policy. The Council's current Home to School transport policy sets out that free school transport will be provided to the catchment school or nearest school to a child's home address if it is over the statutory walking distances.</p>

...have a low income?	x			There may be adverse impact on those families with low incomes by the proposed closure of the school. However, this would be mitigated by the LA provided transport assistance, in line with the Transport Policy. As there are no current pupils this would only impact upon future pupils.
...are carers (unpaid family or friend)?	x			No impact is anticipated.

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	
Craven district	
Hambleton district	
Harrogate district	X
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	
Lofthouse, Middlesmoor and Stean	

<p>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</p> <p>All staff at the school would experience changes under these proposals that staff and governors would need to manage sensitively.</p> <p>The Council's Officers now feel that this decision is in the best interests of educational provision in the area.</p>

<p>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</p>	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these	

adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	x
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
<p>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.’ Careful consideration to alternatives to closure of the school, including transport implications and the impact on local people and the wider community has been given. A detailed analysis of these issues is contained in the Statutory Proposals and the report to Executive. It is concluded that the case for closure is strong and in the best interests of educational provision in the area.</p>	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Monitoring of standards will be carried out through the Council’s Education & Skills Team and through Ofsted inspections. Monitoring of sufficiency of school places in the area will be undertaken by the CYPS Strategic Planning Team.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The purpose of the consultation and proposed decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner. In order to achieve these aims the proposal to close Fountains Earth School needs to be considered. Whilst it is recognised that there may be adverse impact upon those with protected characteristic of religion/belief, there are more positive impacts 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.

Section 14. Sign off section

This full EIA was completed by:

Name: Sue Turley

Job title: Strategic Planning Officer

Directorate: CYPS

Completion date: 3 January 2024

Authorised by relevant Assistant Director (signature): A Newbold

Date: 10 January 2024



APPENDIX 9

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Version 2: amended 11 August 2021

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	School Organisation
Brief description of proposal	Proposal to Close Fountains Earth, Lofthouse CE Endowed Primary School
Directorate	Children and Young Peoples' Service
Service area	Strategic Planning
Lead officer	Andrew Dixon
Names and roles of other people involved in carrying out the impact assessment	Sue Turley
Date impact assessment started	22/12/2023

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The consultation on a proposal to close the school has only been initiated because all other options to secure a sustainable future for the school appear to have been exhausted. The full details of the situation leading to this closure proposal and the other options that were investigated are contained with the report to Executive dated 23 January 2024 that this document is an appendix to.

In summary, no sustainable option to keep the school open, either alone or in partnership, have been identified.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

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

The school currently has no pupils on roll so there will be no immediate cost or savings to the home to school transport budget.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>			<p>X</p>	<p>The issue of school transport is difficult to analyse as parental preference and parental behaviour plays a large role in the level of emissions from travel. For example, the local authority can maintain a school in one village but the popularity of a neighbouring school can encourage car use even in scenarios where a school within walking distance is available. Similarly, even for schools located within walking distance some parents may choose to drive their children to school each day. Many schools operate travel plans which encourage low carbon transport options such as walking and cycling.</p>	<p>Where possible Integrated Passenger Transport will choose vehicles and routes to minimise traffic. Neighbouring schools will be encouraged and supported to develop sustainable travel plans.</p>	<p>Schools will continue to encourage sustainable methods of transport where safe and possible. For example by encouraging lift sharing, walking to school as part of developing their travel plans.</p>

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
					<p>In the particular case of the proposed closure of Fountains Earth Primary School there are currently no pupils on roll and it is to be presumed that most of the pupils in catchment are now making vehicular journeys to neighbouring schools. Previously there have been a number of pupils locally who have attended the school and would walk to the school. Closing the school would reduce the ability of pupils living in Lofthouse to walk to school in future.</p>		
Emissions from construction		X			N/A	N/A	N/A
Emissions from running of buildings	X				<p>The local authority would cease to operate the Fountains Earth Primary School premises and the pupils living within the catchment area would</p>		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
					<p>continue to be accommodated at existing local establishments with no additional running costs.</p>		
Emissions from data storage	X				<p>The data storage for Fountains Earth Primary School as a separate institution would not be required going forward.</p>		
Other							
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		X		<p>Pupils from Fountains Earth Primary School catchment area being accommodated in existing establishments would continue to consume the same resources.</p>			
<p>Reduce water consumption</p>	X			<p>The water consumption required to operate Fountains Earth Primary School as an establishment would no longer be required and is therefore removed from the NYC carbon footprint.</p>			
<p>Minimise pollution (including air, land, water, light and noise)</p>	X			<p>The pollution created by the Fountains Earth Primary School heating system would be removed from the NYC carbon footprint.</p>			

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X		N/A		
<p>Enhance conservation and wildlife</p>		X		N/A		
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		X		N/A		
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker:

This proposal has positive and negative environmental impacts. The positive impacts will be a reduction in energy usage associated with a whole establishment and site ceasing to be used. Reducing surplus capacity indicates a more efficient use of resources. This would include reductions in heating, lighting and water usage but also other resource usage. However, there is likely to be a negative impact associated with some increased use of vehicles to transport the pupils to and from school. Ultimately there is an overriding consideration in this proposal to provide the best outcome for the education of children in the local area and no other educationally sustainable option has been identified.

The Council owns the school site. Details about future use of the school site will be taken after determination of the closure proposal.

Sign off section

This climate change impact assessment was completed by: Sue Turley

Name	Sue Turley
Job title	Strategic Planning Officer
Service area	Strategic Planning
Directorate	CYPS
Signature	Sue Turley
Completion date	10/01/2024

Authorised by relevant Assistant Director (signature): Amanda Newbold

Date:10/01/2024