

## NORTH YORKSHIRE COUNCIL

## THE EXECUTIVE

19 March 2024

**PROPOSAL TO CEASE TO MAINTAIN FOUNTAINS EARTH, LOFTHOUSE  
CHURCH OF ENGLAND ENDOWED PRIMARY SCHOOL****1 PURPOSE OF REPORT**

- 1.1 To provide the Executive with information upon which to determine the proposal to cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024, together with the future arrangements for the school's current catchment area.

**2 EXECUTIVE SUMMARY**

- 2.1 On 23 January 2024 the Executive approved the publication of statutory proposals to close Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.
- 2.2 This followed careful consideration of the responses to public consultation carried out by the Children and Young People's Service.
- 2.3 The statutory proposals were published on 1 February 2024, giving 4 weeks until 29 February 2024 for representations to be made.
- 2.4 This report is supported by a number of Appendices as listed below:

Appendix A Statutory Proposal for school closure

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

Appendix C School Organisation Guidance for Decision-makers

Appendix D Climate Change Impact Assessment

Appendix E Equality Impact Assessment

**3 BACKGROUND**

- 3.1 The Education and Inspections Act 2006 sets out the procedures for closing a maintained school. These are detailed in School Organisation regulations and guidance<sup>1</sup>. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the North Yorkshire Council's Executive and Executive Members) acting as decision-makers.

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

## **4 PROPOSALS**

### 4.1 North Yorkshire Council proposes:

- To cease to maintain Fountains Earth, Lofthouse Church of England Endowed Primary School from 31 March 2024.
- That the catchment area of St Cuthbert's Church of England Primary School, Pateley Bridge should be expanded with effect from 1 April 2024 to serve the area currently served by Fountains Earth, Lofthouse CE Endowed School.

## **5 CONSULTATION UNDERTAKEN, RESPONSES AND OTHER ENGAGEMENT**

- 5.1 Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses to the consultation are included in Appendix A as part of the statutory proposals.
- 5.2 On 23 January 2024, the Executive considered the consultation responses, and resolved to proceed with publication of the statutory proposals.
- 5.3 A petition of 1,103 signatories was received by the Council on 11 December 2023 and posted on the NYC Website [Petitions received North Yorkshire Council](#) This petition seeks an investigation into the leadership of the Upper Nidderdale Federation and was considered at the Skipton and Ripon Area Constituency Committee, held on 7 March 2024.

## **6 STATUTORY PROPOSALS AND NOTICES**

- 6.1 The statutory proposals and public notices were published on 1 February 2024. The public notice, placed on the school gates and in the Harrogate Advertiser and the Ripon Gazette newspapers, invited written objections or comments to be submitted by 29 February 2024. A copy of the notice is attached as Appendix B. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the Council's website. A copy of the proposal can be found at Appendix A.
- 6.2 Following the publication of the Statutory Notices, no comments were received by the end of the notice period on 29 February 2024

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

- 7.1 There were no responses received to the publication of statutory proposals.

Request for an independent investigation

- 7.2 The petition was considered at the Skipton and Ripon Area Constituency Committee, held on 7 March 2024. The petition asked for an *'investigation into leadership and management of the Upper Nidderdale Federation'* and for the council to *'halt any decision-making process regarding the closure of Fountains Earth Primary School until a full and thorough investigation has been conducted'*.

7.3 Conclusion

It is the view of LA Officers that the fundamental reasons for consulting on closure as set out in the October 2023 and January 2024 reports to Members remain.

The school currently has no pupils on roll and there have been no 'highest preference' applications to join Fountains Earth School in September 2024 and therefore there is no realistic prospect of Reception pupils requiring a place for September 2024. Officers have outlined in an earlier report that the school will receive no pupil-led funding for the next academic year and the LA is not able to approve any additional funding.

For these reasons officers recommend that the Council proceed with the closure process.

**8 FINANCIAL IMPLICATIONS**

- 8.1 As set out in the report to Executive dated 23 January 2024, in the event of Fountains Earth School 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.

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.

**Transport Costs**

- 8.3 As there are currently no pupils at Fountains Earth, Lofthouse CE Endowed School, there would be no immediate transport 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 time of application. As such future transport costs cannot be estimated.

## **9 LEGAL IMPLICATIONS**

### REGULATIONS AND GUIDANCE

- 9.1 The consideration and determination of school organisation proposals by the Local Authority is set out in regulations and in guidance produced by the Department for Education.<sup>2</sup> Careful regard has been had to these provisions.

### PRELIMINARY CHECKS

- 9.2 The Decision Maker must consider, on receipt of each proposal:
- whether any information is missing;
  - whether the published notice of the proposal complies with statutory requirements;
  - whether the statutory consultation has been carried out prior to the publication of the notice;
  - and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive to proceed to determine this proposal.

### TYPES OF DECISION THAT CAN BE MADE

- 9.3 In considering proposals for a school closure, the Executive (or the Executive Member for Schools, if there are no objections received during the representation period), as Decision Makers can decide to:
- reject the proposals;
  - approve the proposals;
  - approve the proposals with a modification;
  - approve the proposals subject to them meeting a specific condition.

## **10 PROCEDURE FOR THE MEETING**

- 10.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:
- (a) The decision maker must have regard to the Decision Makers' Guidance and to the Executive Procedure Rules laid down in the Council's Constitution.

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

(b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

## **11 REASONS FOR THE RECOMMENDATION.**

11.1 The report to the Executive Members dated 7 November 2023 set out the key concerns and these issues were explored in further detail in the Executive Report on 23 January 2024. The latest position on these issues is summarised below.

### **11.2 Pupil Numbers**

There are currently no pupils on roll at Fountains Earth Primary School. 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. There have been 'no highest preference' applications for Reception places at Fountains Earth Primary School in September 2024 (two applications received, both 3<sup>rd</sup> preference applications for Fountains Earth, Lofthouse). On current information there is no realistic prospect that any of these pupils would require a school place at Fountains Earth Primary School. There have also been no applications made for 'in year' transfers into other year groups at Fountains Earth Primary School. It therefore appears that from September 2024 the school would continue to have no pupils on roll. The school has in recent times experienced recruitment and retention difficulties associated both with the 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.

### **Finances**

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 in the October census, they will not allocate any funding for that school in the schools block element of Dedicated School Grant (DSG) funding that a local authority receives to fund schools and academies located within the local authority area.

The DfE have confirmed that if the LA were to fund the school, then only the lump sum and rates should be allocated. The school would not be eligible for sparsity funding as there are no pupils so the school could not meet the eligibility criteria.

It is the view of LA that the North Yorkshire Schools Forum would not approve expenditure on a school with no pupils. The LA would have to publicly state this is its formal position, and then seek approval from the

Secretary of State to override the School Forum's decision.

It is also the case that any request for funding for one school to remain open may have consequences/ considerations for other cases of potential school closure. The local authority maintains a number of schools who are in an accumulated deficit position and/or are projecting to be in a financial deficit position. In viable school positions, the local authority requires local governing bodies to address any deficit and develop a recovery plan to operate within the funds and resources available.

Awarding funding to a school with no pupils, and not awarding funding to other schools in financial difficulty or who are geographically vital, and have pupils on roll, risks setting a precedent that will not gain universal agreement and may result in potential future liabilities in other potential school closures.

### 11.3 Standards and Curriculum

The most recent full graded Ofsted inspection for Fountains Earth, Lofthouse 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 continued to be a 'Good' school. However, pupil numbers have fallen rapidly. 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.

## 12 HUMAN RIGHTS IMPLICATIONS

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

## 13. OTHER IMPLICATIONS

13.1 A Climate Change Impact Assessment has been undertaken in respect of this proposal and is attached as Appendix D. The assessment concluded that *'This proposal has positive and negative environmental impacts. The positive impacts will be a reduction in energy usage associated with a whole establishment and site ceasing to be used. Reducing surplus capacity indicates a more efficient use of resources. This would include reductions in heating, lighting and water usage but also other resource usage. However, there 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.

- 13.2 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached as Appendix E. The assessment concluded that *'The purpose of the consultation and proposed decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner. In order to achieve these aims the proposal to close Fountains Earth, Lofthouse, CE Endowed school needs to be considered. Whilst it is recognised that there may be adverse impact upon those with protected characteristic of religion/belief any potential impact is mitigated because the next nearest school, St Cuthbert's in Pateley Bridge, is also a Church of England primary school. 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'*.

## 14 RECOMMENDATIONS

- 14.1 (a) That having undertaken the required preliminary checks, the Executive resolve that the issues listed above in section 9 have been satisfied and there can be a determination of the proposals.

(b) That the following proposal be determined:

i) To cease to maintain Fountains Earth, Lofthouse CE Endowed Primary School with effect from 31 March 2024.

ii) To extend the catchment area of St Cuthbert's Church of England Primary School, Pateley Bridge with effect from 1 April 2024 to include the area currently served by Fountains Earth, Lofthouse CE Endowed Primary School.

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

Report prepared by Sue Turley, Strategic Planning Team.

### List of Appendices:

Appendix A:	Statutory Proposal for school closure
Appendix B:	Public Notice in accordance with section 15(1) of the Education and Inspections Act 2006
Appendix C:	School Organisation Guidance for Decision-makers
Appendix D:	Climate Change Impact Assessment
Appendix E:	Equality Impact Assessment

### Background documents

Report, Executive, 23 January 2024

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



## 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](mailto: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).

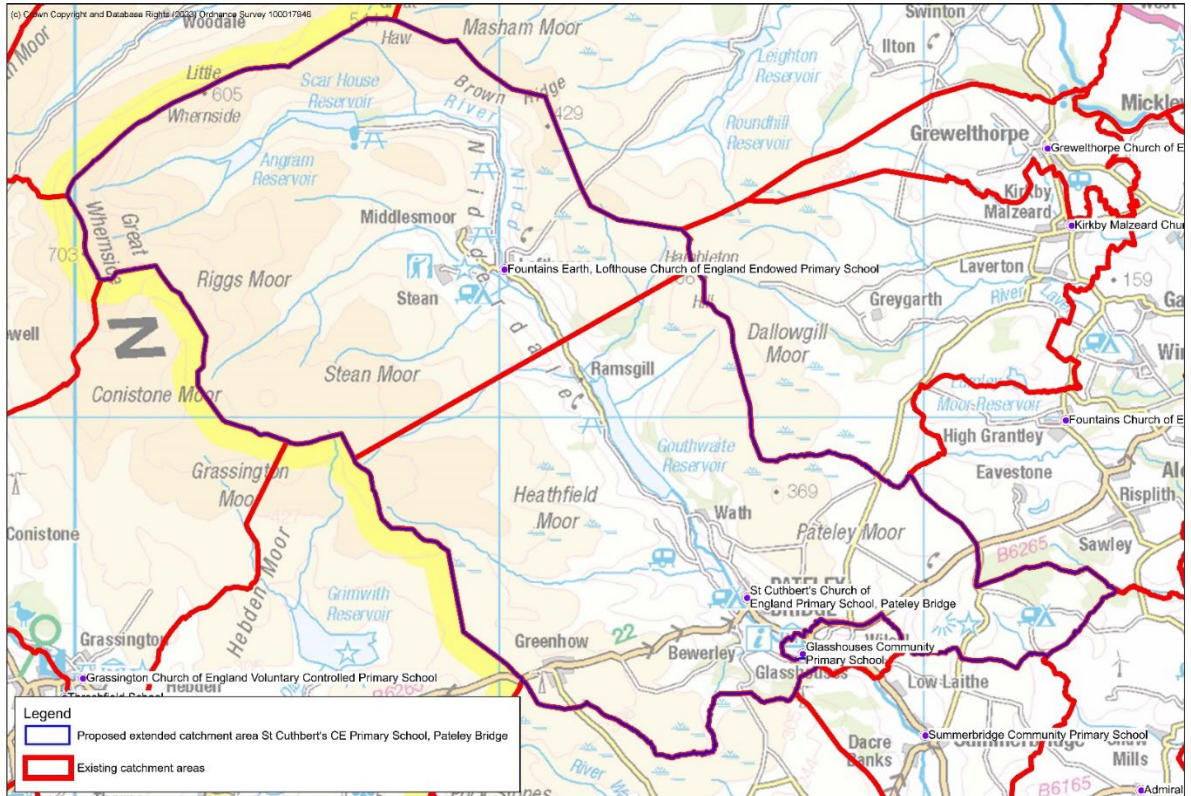
### **Appendices – see Report to Executive 23 January 2024**

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

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

Appendix 7 and Appendix 8 are attached as Appendices D and E.

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



**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](mailto: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.

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

### 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:

	<b>In year position</b>	<b>Accumulated balance</b>
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](http://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](http://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

**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,	Acorns Pre-School	
	Provider with initials CH	



Lofthouse CE Endowed Primary School	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	

## 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"> <li>Meeting opens – brief welcome - Introduction to the Panel</li> </ul>	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.

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 1<sup>st</sup> 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.

**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.

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.

**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 6**

**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		Community

	<p>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 when other staff have been long standing and successful at that time, but the world has moved on.</p>		
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</p>	<p>Why should children have to travel out of there area just to go to a school!</p>	<p>Parent</p>



	and pushed out of these little schools which are the heart of our community . I have nothing but dissatisfaction towards the		
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, why not the same for villages to help build thriving communities??	A village resident who's school is also suffering from declining numbers.
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	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

	<p>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</p>		
10.	<p>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 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.</p>	<p>The children in upper nidderdale wouldn't have to travel too far to attend the larger primary school.</p>	<p>Community</p>
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. Thirdly there is an environmental impact of commuting children over</p>	<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</p>	<p>Community</p>

	<p>long distances and on minor roads that needs to be considered, spending at least one hour a day community to and from school is not advisable for primary aged children. Recruitment and retention if 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. Combing 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>		
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 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>		Other
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</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>	Parent

	<p>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>		
14.	<p>This school is the heart of our community and would be a great loss .</p>	No	Community
15.	<p>&gt; 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. However, as part of this consultation I would urge the council to look into the following questions; &gt; &gt; &gt; - 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? &gt; When asked if a permanent</p>	<p>Upper Nidderdale shouldn’t be in StCuthberts catchment area due to the above reasons, however 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>	Parent

	<p>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. &gt; &gt; - 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? &gt; 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. &gt; &gt; - Why are there no children left at Fountains Earth? Why have none of the children gone into the other schools of the federation? &gt; 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. &gt; &gt; 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. &gt; I thoroughly believe that we have been forced from our school and we'd urge more understanding of the overall situation that I</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 interest' was posted on the schools website when the findings were</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>	<p>Parent</p>

	<p>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</p>		Community

	alternative nearby schools are full I.e. Summerbridge, Dacre Braithwaite and Admiral Long at Burnt Yates		
19.	We support the closure of the school	New catchment area will need to be extended to include the upper dale	Community
20.	It will rip the heart out of this farming community if this school closes !		Other
21.	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.	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.	Community
22.	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		Community

	<p>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>		
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.	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.	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.	Parent
25.	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. 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.		NYC Councillor Andrew Murday
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.	<p>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!</p>		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</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</p>	Community

	<p>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 update 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>(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>	
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 the board from lofthouse school and neither anyone from the parish council. The parish councillor has been on numerous govening 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</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

32.	<p>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.</p>	<p>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.</p>	Parent
33.	<p>The federation hasn't benefited the school, the numbers show it all. The leadership hasn't 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 benefited from the federation the numbers show that</p>	<p>St Cuberts shouldn't have the catchment as numbers show they haven't even got half the pupils out of their catchment, bad leadership affecting this school.</p>	Community
34.	<p>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 of the 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.</p> <p>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 18 miles for some families (twice each day).</p> <p>I received this response from the Department of Education after writing to them in August 2022 following the first request to consult on closure:</p>		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.



**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](http://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.



Department  
for Education

# **Opening and closing maintained schools**

**Statutory guidance for proposers and  
decision makers**

**January 2023**



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# Summary

## About this guidance

This is statutory guidance from the Department for Education. Proposers and decision makers must have regard to it when establishing (opening) a new maintained school and/or discontinuing (closing) an existing maintained school.

The purpose of this guidance is to ensure that good quality school places are provided where they are needed, and that surplus capacity is removed where necessary. It should be read in conjunction with [part 2](#)<sup>1</sup> of and [schedule 2](#)<sup>2</sup> to the Education and Inspections Act 2006 (EIA 2006) as amended by the Education Act (EA) 2011 and [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)<sup>3</sup> (the Establishment and Discontinuance Regulations).

This guidance only relates to schools in England.

## Expiry or review date

This guidance supersedes all previous versions. It will be kept under review and updated versions will be published if necessary.

## What legislation does this guidance refer to?

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013 \(legislation.gov.uk\)](#)
- [Education and Inspections Act 2006 \(legislation.gov.uk\)](#)
- See also: [Annex D](#)

## Who is this guidance for?

This guidance is relevant to all categories of maintained school<sup>4</sup>, unless explicitly stated otherwise, and is for those proposing to open and/or close such a school (e.g. local authorities, governing bodies, diocese or other relevant religious authority), decision

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2006/40/part/2>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2006/40/schedule/2>

<sup>3</sup> <https://www.legislation.gov.uk/uksi/2013/3109/contents/made>

<sup>4</sup> Community, foundation, voluntary aided, voluntary controlled, community special and foundation special

makers (local authorities and the [Schools Adjudicator](#)<sup>5</sup>), and for those affected by a proposal (e.g. dioceses, trustees, parents etc.).

Separate advice is available on making prescribed alterations to [maintained schools](#)<sup>6</sup>, [making significant changes to academies](#)<sup>7</sup>, and [academy closure by mutual agreement](#)<sup>8</sup>.

It is the responsibility of local authorities, proposers and school governing bodies to ensure that they act in accordance with the relevant legislation and have regard to statutory guidance when seeking to open or close a maintained school and they are advised to seek independent legal advice where appropriate. Similarly, local authorities and Schools Adjudicators when making decisions on such proposals, must act in accordance with the law and must have regard to statutory guidance.

## Main points

- Where a local authority identifies the need for a new school, section 6A of EIA 2006 places the local authority under a duty to seek proposals to establish an academy (free school) via the '[free school presumption](#)'<sup>9</sup> process. The local authority is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs. The final decision on all new free school presumption proposals lies with the Department for Education's [Regional Directors](#)<sup>10</sup> (RDs) on behalf of the Secretary of State.
- Proposers wishing to establish a new school may also wish to consider [opening a free school](#)<sup>11</sup> via the Department for Education's centrally delivered route<sup>12</sup>.
- It is possible for local authorities or other proposers, in certain circumstances, to publish a proposal for a new maintained school outside of the competitions processes. This is done under section 11 of EIA 2006. It is also possible to apply to the Secretary of State for consent to publish proposals to establish a new maintained school under section 10 of EIA 2006. The differences between these 2 processes are explained in table 1 and in the section on [proposing a new school](#).
- In this guidance we use 'other proposers' to indicate proposers that do not include the local authority (e.g. a governing body, diocese or other relevant religious

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<sup>5</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>

<sup>6</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

<sup>7</sup> <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

<sup>8</sup> <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

<sup>9</sup> <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

<sup>10</sup> <https://www.gov.uk/government/organisations/regional-department-for-education-dfe-directors>

<sup>11</sup> <https://www.gov.uk/government/collections/opening-a-free-school>

<sup>12</sup> Information on the latest central free school application waves can be found on GOV.UK at:

<https://www.gov.uk/government/publications/free-school-application-guide>

authority). References in this guidance to 'proposers' includes both local authorities and other proposers<sup>13</sup>.

- All decisions on proposals to open or close a maintained school must be made with regard to the factors outlined in this guidance and follow the relevant statutory process.
- Both the consultation period and the representation period should be largely carried out in term time to allow the maximum numbers of people to see and respond to what is proposed.
- The decision maker will need to be satisfied that the consultation and representation period were appropriate, fair and open, and that the proposer has given full consideration to all the responses to the consultation.
- Proposers should be aware of the [guidance for decision makers](#) set out in this guidance and ensure that their proposals address the considerations that the decision maker must take into account. The decision maker must consider the expressed views of all those affected by a proposal or who have an interest in it, including cross-local authority border interests. The decision maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents<sup>14</sup> of children at the affected school(s).
- In determining proposals decision makers must ensure that the guidance on [schools causing concern](#)<sup>15</sup> (intervening in failing, underperforming and coasting schools) has been considered where necessary.
- The School Organisation Team can make the necessary updates to the [Get Information About Schools](#)<sup>16</sup> (GIAS) system.

This guidance provides information on the following:

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<sup>13</sup> This is slightly different to how “proposers” is defined in EIA 2006, where the local authority is name-checked separately and “proposers” refers to anyone else other than the local authority

<sup>14</sup> A ‘parent’ should be considered to be anyone who has parental responsibility, including parents, carers and legal guardians

<sup>15</sup> <https://www.gov.uk/government/publications/schools-causing-concern--2>

<sup>16</sup> <https://www.get-information-schools.service.gov.uk>

Legislation	Proposer	Proposal <sup>17</sup>
Section 7	Academy trusts or other proposers (local authorities must initiate the competition but cannot make proposals under section 7)	Where the free school presumption process does not yield a suitable proposal, the Secretary of State can provide consent for the local authority to run a statutory competition, inviting proposals for a voluntary, foundation, foundation special school or an academy (free) school. Academy proposals will be considered first.
Section 10	Other proposers	To open a brand new <sup>18</sup> foundation, foundation special or voluntary controlled school.
Section 10	Local authorities	To open a community, community special, foundation or foundation special school to replace one or more existing maintained schools <sup>19</sup> .

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<sup>17</sup> Schools established under section 7, 10(1) or (2), or 11(A2) must not provide education suitable only to the requirements of persons above compulsory school age

<sup>18</sup> Where the proposal is to replace an existing foundation or voluntary controlled school with a religious character, independent school or non-maintained special school, proposals should be published under section 11

<sup>19</sup> But where a) the local authority proposes for a primary school to replace a maintained infant school and a maintained junior school; or b) section 11(A1) is satisfied, section 10 does not apply and the proposals must be published under the relevant subsection of section 11 instead

Legislation	Proposer	Proposal <sup>17</sup>
Section 11	Other proposers	To open: (1A) a new voluntary aided school (2) a new foundation, voluntary controlled or foundation special school which: replaces one or more foundation or voluntary schools with a religious character <sup>20</sup> ; replaces an independent school that is not an academy <sup>21</sup> , a city technology college or a city college for the technology of the arts; in the case of a new foundation special school, replaces a non-maintained special school <sup>22</sup> .
Section 11	Local authorities	To open: (A2) a new community, community special, foundation or foundation special school, where a section 7 competition has been held but did not identify a suitable provider <sup>23</sup> (A3) a new community, community special, foundation or foundation special primary school to replace a maintained infant and a maintained junior school (1) a new maintained nursery school.
Section 15	Local authorities	To close a community, foundation, voluntary, community special, foundation special, or maintained nursery school.
Section 15	Governing body	To close a voluntary, foundation, or foundation special school.

<sup>20</sup> The new school may have the same, different or no religious character

<sup>21</sup> The independent school should continue in existence but should then close as an independent school immediately before the proposals are implemented. It should also have been registered under Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational institutions in England) for a continuous period of at least 2 years ending with the date of the publication of the proposals under section 11

<sup>22</sup> The non-maintained special school should continue in existence but should then close as a non-maintained special school immediately before the proposals are implemented. It should also have been approved under section 342 of EA 1996 (approval of non-maintained special schools) for a continuous period of at least 2 years ending with the date of the publication of the proposals

<sup>23</sup> Because no proposal was made or none of the proposals is approved under schedule 2 to EIA or result in academy arrangements being entered into



<b>Legislation</b>	<b>Proposer</b>	<b>Proposal<sup>17</sup></b>
Section 17	Secretary of State	To close a community special or foundation special in the interests of the health, safety or welfare of the pupils.
Section 30(1) School Standards and Framework Act 1998 (SSFA) 1998	Governing body	May give at least 2 years' notice of its intention to close a foundation or voluntary school to the Secretary of State and the local authority.
Section 30(10) SSFA 1998	Site trustees	May give at least 2 years' notice in accordance with section 30(11) to terminate a foundation or voluntary school's occupation of its land <sup>24</sup> .

**Table 1: summary of opening and closing proposals**

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<sup>24</sup> This might not necessarily lead to the closure of the school. The school might instead just move sites. Section 30(10) also specifies that the notice requirements at section 30(11) only need to be followed if the land is held for the purposes of the school and the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site

## Proposing a new school

This section sets out how to propose the establishment of a new school:

Type of proposal	Proposer	Decision maker	Right of referral to the Adjudicator <sup>25</sup>
Free School Presumption <sup>26</sup>	Academy trusts/sponsors	RD (on behalf of the Secretary of State <sup>27</sup> )	No
Section 7 (Stage 1): Any academy (free school) proposals will be considered first. If a proposal is received and considered suitable, the competition ends and the proposer/local authority/department take forward the academy (free school) proposal	Other proposers	RD (on behalf of the Secretary of State <sup>28</sup> )	No

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<sup>25</sup> Where the local authority is the decision maker. Where the Schools Adjudicator is the decision maker, there is no right of appeal

<sup>26</sup> Section 6A of EIA 2006

<sup>27</sup> Paragraph 7A of schedule 2 to EIA 2006

<sup>28</sup> Paragraph 7A of schedule 2 to EIA 2006

Type of proposal	Proposer	Decision maker	Right of referral to the Adjudicator <sup>25</sup>
Section 7 (Stage 2): Where no suitable academy (free school) bid is received, proposals submitted for a new foundation, foundation special or voluntary school will be considered	Other proposers	Local authority <sup>29</sup> (but Schools Adjudicator where the local authority is involved in the foundation of a proposed foundation school with a foundation (established otherwise than under the SSFA 1998) in one of the ways set out at paragraph 10(2) of schedule 2 to EIA 2006)	No <sup>30</sup>
Section 10	Local authorities	Schools Adjudicator <sup>31</sup>	No

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<sup>29</sup> Paragraphs 5A(2) and 8 of schedule 2 to EIA 2006. Where the local authority does not make a decision within the prescribed 2 month period, they must refer the proposal to the Schools Adjudicator

<sup>30</sup> The Secretary of State can direct the local authority to refer the non-academy proposals to the Adjudicator: paragraph 12 of schedule 2 to EIA 2006

<sup>31</sup> Paragraph 10(1)b of schedule 2 to EIA 2006

Type of proposal	Proposer	Decision maker	Right of referral to the Adjudicator <sup>25</sup>
Section 10	Other proposers	Local authority (Schools Adjudicator where the local authority is involved in the foundation of a foundation school with a foundation (established otherwise than under the SSFA 1998) in one of the ways set out at paragraph 10(2) of schedule 2 to EIA 2006)	Proposers. The Diocesan Board of Education of any Church of England (CofE) diocese any part of which is comprised in the area of the local authority. The bishop of any Roman Catholic diocese any part of which is comprised in the area of the local authority
Section 11	Local authority	Schools Adjudicator <sup>32</sup>	No

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<sup>32</sup> Paragraph 10(1)b of schedule 2 to EIA 2006

Type of proposal	Proposer	Decision maker	Right of referral to the Adjudicator <sup>25</sup>
Section 11	Other proposers	Local authority <sup>33</sup> (Schools Adjudicator where the local authority is involved in the foundation of a foundation school with a foundation (established otherwise than under the SSFA 1998) in one of the ways set out at paragraph 10(2) of schedule 2 to EIA 2006))	Proposers. The Diocesan Board of Education of any CofE diocese any part of which is comprised in the area of the local authority.  The bishop of any Roman Catholic diocese any part of which is comprised in the area of the local authority

Table 2: proposals to open a new school

## The free school presumption

Where a local authority identifies the need for a new school, section 6A of EIA 2006 places the local authority under a duty to seek proposals to establish an academy (free school) via the [‘free school presumption’](#)<sup>34</sup>.

In considering the need for a new school, the local authority should take account of any existing proposals they are aware of that will meet that need.

For more information on the free school presumption process see separate guidance [here](#)<sup>35</sup>.

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<sup>33</sup> Where the local authority does not make a decision within the prescribed 2 month period, they must refer the proposal to the Schools Adjudicator

<sup>34</sup> <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

<sup>35</sup> <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

## Section 7

### School competitions

If the free school presumption competition does not yield a suitable proposal, the Secretary of State may choose a different sponsor. In exceptional circumstances the Secretary of State may provide consent for a statutory competition to be held under section 7 of EIA 2006.

Where a local authority holds a section 7 competition, the local authority must follow the statutory process set out in schedule 2 to EIA 2006 and the Establishment and Discontinuance Regulations.

The local authority should publish a specification for the new school. The specification is only the minimum requirement and proposals may go beyond this.

Proposers (academy trusts or other proposers; local authorities cannot make proposals under section 7) may submit proposals for an academy (free) school, foundation, foundation special or voluntary school into the competition. Where one or more academy (free) school proposals are received, the RD (on behalf of the Secretary of State) will consider these first. Where no, or no suitable, academy proposals are submitted, the local authority will consider non-academy proposals (as per stage 4 onwards of the [statutory process](#)). The local authority is expected to provide premises and meet the capital costs of implementing the winning proposal.

### Process

Ahead of publishing a section 7 notice (thus commencing the competition), the local authority must consult any persons/organisations they think appropriate. The local authority must then publish a notice inviting proposals. The notice must include:

- an explanation of the competition procedure (including that academy proposals will be considered first);
- a possible site for the school;
- whether or not the proposed school is to be a special school; and
- the date by which proposals must be submitted (the competition must run for a minimum of 4 weeks).

The local authority must publish the notice on their website and place a notification of the competition (including the address of the website where the notice is published) in a national newspaper covering education issues and in a local newspaper. Both the notice

and notification must include details of how copies of the competition notice may be obtained.

Within one week of the date of its publication on the website, the local authority MUST send a copy of the notice to:

- the Secretary of State ([schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk));
- the Diocesan Board of Education of any CofE diocese any part of which is comprised in the area of the relevant local authority;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant local authority; and
- any other body or person that the local authority thinks is appropriate.

Within one week of receiving a request for a copy of the competition notice, the local authority must send a copy to the person requesting it. Proposers must set out the type, character (including any religious character), ethos and admission arrangements of the proposed school. Proposers should set out the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition and, where these exceed the initial cost estimate made by the local authority, the proposer should set out the reasons for the additional requirements and/or costs.

The local authority must publish all proposals on their website. Where non-academy proposals are to be considered, the local authority must publish a statement inviting any person to object to or comment on the proposals – this representation period MUST last for 4 weeks. Within one week of publishing this statement, the local authority must send a copy of any non-academy proposals, together with the statement inviting comment, to any person or body that the local authority thinks appropriate. Within one week of receiving a request for a copy of the proposals the local authority must send a copy to the person requesting it.

## **Proposing a maintained school outside competitive arrangements**

It is possible to publish proposals for a new maintained school outside of the competitive arrangements at any time. Sections 10 and 11 of EIA 2006 permit proposals to establish new schools under certain conditions either with the Secretary of State's consent (section 10 cases) or without (section 11 cases).

In all cases, proposers must follow the required [statutory process](#).

## Section 10 proposals

It is possible to apply to the Secretary of State for 'consent to publish' proposals to establish a new school under section 10 of EIA 2006.

With Secretary of State consent, local authorities may publish proposals under section 10 for a community, community special, foundation or foundation special school to replace one or more existing maintained schools. The exception to this is where the proposal is for a primary school to replace a maintained infant school and a maintained junior school – in this case proposals must be published under section 11.

With the Secretary of State's consent, other proposers<sup>36</sup> may publish proposals under section 10 for a brand new<sup>37</sup> foundation, foundation special or voluntary controlled school.

Proposers wishing to apply for consent should email [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) and request an application form. Each request for consent will be considered on its merits and the particular circumstances of the case.

Proposers should wait to receive confirmation of consent before following the [statutory process](#) to establish the new school.

The Schools Adjudicator will decide local authority proposals and section 7 cases where proposals include one (or more) in which the local authority is involved in the trust of a proposed foundation school. The local authority will decide proposals from other proposers<sup>38</sup>.

## Section 11 proposals

Under section 11 of EIA 2006 certain proposals for a new maintained school can be made outside of competitive process and without requiring the Secretary of State's consent.

Other proposers<sup>39</sup> e.g. a diocese or other relevant religious authority or charitable trust, may publish proposals for:

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<sup>36</sup> As per paragraph 3 of schedule 2 to EIA 2006, this does not include local authorities

<sup>37</sup> Where the proposal is to replace an existing foundation or voluntary school with a religious character, independent school or non-maintained special school, proposals should be published under section 11

<sup>38</sup> Where the local authority does not make a decision within the prescribed 2 month period, they must refer the proposal to the Schools Adjudicator

<sup>39</sup> As per paragraph 3 of schedule 2 to EIA 2006, this does not include local authorities



- a new voluntary aided school (e.g. in order to meet demand for a specific type of place such as demand from those of a particular faith); or
- a new foundation, voluntary controlled or foundation special school which:
  - replaces one or more foundation or voluntary schools with a religious character<sup>40</sup>;
  - replaces an independent school<sup>41</sup>; or
  - in the case of a foundation special school, replaces a non-maintained special school<sup>42</sup>.

Local authorities may publish proposals for:

- a new community, community special, foundation or foundation special school, where a section 7 competition has been held but did not identify a suitable provider;
- a new community, community special, foundation or foundation special primary school to replace a maintained infant and a maintained junior school; or
- a new maintained nursery school.

The [statutory process](#) must be followed to establish the new school.

## Factors to consider when proposing a new school

Proposals can be made to establish a school in an area other than that which published a competition notice (section 7) or is proposed should maintain the school (section 10 or 11). Relevant parties should read schedule 4 to the Establishment and Discontinuance Regulations.

Proposers should consider the following factors when making proposals to establish a new school.

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<sup>40</sup> The new school may have the same, different or no religious character

<sup>41</sup> The independent school should continue in existence but should then close as an independent school immediately before the proposals are implemented

<sup>42</sup> The non-maintained special school should continue in existence but should then close as a non-maintained special school immediately before the proposals are implemented

## Demand vs need

Excessive surplus capacity should be managed appropriately. Proposers may wish to discuss their plans with their local authority to understand levels of need for their proposed school.

Proposers should also demonstrate parental demand for the new school places and the type of provision being proposed, the quality and diversity of provision available in the local area, and the impact of the new places on existing educational provision in the local area.

## Proposed admission arrangements

Proposers should set out their intentions for the admission arrangements of the proposed school. Where the proposal is for a voluntary or foundation school, these should include whether the school will be designated as having a religious character and apply faith-based admissions criteria.

Proposers should ensure that they consider all expected admission applications when considering demand for the school, including those from outside the local authority area in which the school is situated.

## National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community<sup>43</sup>.

## Integration and community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of and respect for other cultures, faiths and communities.

Proposers should have regard to the [Integrated Communities Action Plan](#)<sup>44</sup> as well as any local integration and community cohesion strategies.

When making a proposal, the proposers should take account of the community to be served by the school and set out:

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<sup>43</sup> Under sections 90, 91, 92 and 93 of the Education Act 2002

<sup>44</sup> <https://www.gov.uk/government/publications/integrated-communities-action-plan>

- how the school will be welcoming to pupils of all faiths and none;
- how the school will address the needs of all pupils and parents;
- how the school will provide a broad and balanced curriculum and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education;
- how the school will promote fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs or none; and
- how the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.

## **Travel**

Proposers should consider how children will travel to the school and be satisfied that the proposals will not adversely impact any particular group, including those with protected characteristics or who are disadvantaged (for example, those who are eligible for free school meals or pupil premium). They should consider journey times and travel costs for families.

Local authorities have a duty to promote the use of sustainable travel and transport to school. Proposers should be satisfied that the children they expect to apply for the school will be able to travel there sustainably, where possible, e.g. by walking, cycling or using public transport.

## **Funding**

Proposers must include a statement setting out that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement to the funding arrangements.

Proposers relying on the department as a source of capital funding should not assume that approval of the proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available.

## **School premises and playing fields**

Under the School Premises (England) Regulations 2012, all maintained schools are required to provide suitable outdoor space in order to enable physical education to be

provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, where proposals for a new voluntary aided school provide for the provision of playing fields, the duty to implement that part of the proposal (i.e. to provide the playing field) rests with the local authority.

For foundation, foundation special, and voluntary controlled schools, the duty to implement any proposals falls to either the governing body, or local authority, as the proposal provides for them to do so (i.e. the proposal for the new school will specify who will be providing the playing fields, which they then have a duty to actually provide).

[Non-statutory guidelines](#)<sup>45</sup> setting out suggested areas for pitches and games courts are in place.

Where the proposals for a new foundation or voluntary school are approved, the local authority must transfer any interest it has in the premises to either the trustees of the school or, where the school has no trustees, the school's governing body to be held by that body for the relevant purposes. The local authority must pay to relevant persons any reasonable costs incurred in connection with the transfer.

If any doubt or dispute arises as to the persons to whom that transfer is to be made, it must be made to such persons as the Schools Adjudicator thinks proper.

## Early years

Quality early education leads to better outcomes later in life. The department expects proposals for new primary schools to include a nursery, except in exceptional circumstances.

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<sup>45</sup> <https://www.gov.uk/government/publications/area-guidelines-and-net-capacity>

## Proposing to close (discontinue) a maintained school

This section sets out information for local authorities and governing bodies wishing to propose the closure of a maintained school.

Under section 15 of EIA 2006, a local authority can propose the closure of a community, foundation, voluntary, community special, foundation special or maintained nursery school; and the governing body of a voluntary, foundation or foundation special school may publish proposals to close its own school. The statutory process is set out in the Establishment and Discontinuance Regulations<sup>46</sup> and in [the statutory process section](#) of this guidance. Alternatively, the governing body of a foundation or voluntary school may give at least 2 years' notice of its intention to close the school to the Secretary of State and the local authority<sup>47</sup>.

The table below sets out a summary of proposals for closing a maintained school<sup>48</sup>:

Proposer	Type of proposal	Decision maker	Right of referral to the Adjudicator? <sup>49</sup>
Local authority <sup>50</sup>	Close a community, community special or maintained nursery school	Local authority	The Diocesan Board of Education of any CofE diocese any part of which is in the area of the local authority. The bishop of any Roman Catholic diocese any part of which is in the area of the local authority.

<sup>46</sup> Part 4 concerns the proposals, part 5 concerns consideration of the proposals

<sup>47</sup> Section 30 Schools Standards and Framework Act 1998

<sup>48</sup> Proposers should be aware that in ALL cases where the local authority does not make a decision within the prescribed 2 month period, they must refer the proposal to the Schools Adjudicator (see regulations 14 and 15 of the Establishment and Discontinuance Regulations)

<sup>49</sup> Where the Schools Adjudicator is the decision maker, for example because the 2 month period has expired, there is no right of appeal

<sup>50</sup> Section 15(1) EIA 2006: proposal by local authority to discontinue—(a) a community, foundation or voluntary school, (b) a community special or foundation special school, or (c) a maintained nursery school

Proposer	Type of proposal	Decision maker	Right of referral to the Adjudicator? <sup>49</sup>
Local authority	Close a foundation, foundation special or voluntary (VC or VA) school	Local authority	The Diocesan Board of Education of any CofE diocese any part of which is in the area of the local authority. The bishop of any Roman Catholic diocese any part of which is in the area of the local authority. The governing body or trustees of the school.
Governing Body <sup>51</sup>	Close a voluntary (VC or VA), foundation or foundation special school	Local authority	The Diocesan Board of Education of any CofE diocese any part of which is in the area of the local authority. The bishop of any Roman Catholic diocese any part of which is in the area of the local authority. The governing body or trustees of the school.

**Table 3: proposals to close a school**

## Reasons for closing a school

Reasons for closing a maintained school include, but are not limited to, where:

- 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 to long term;
- it is to be amalgamated with another school;
- it has been judged inadequate by Ofsted and the Secretary of State has revoked the academy order;
- it is no longer considered viable;
- it is being replaced by a new school (as sections 10 and 11 provide for).

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<sup>51</sup> Proposal by governing body to discontinue (a) a foundation or voluntary school in England, or (b) a foundation special school

## Schools causing concern

In determining proposals, decision makers must ensure that the guidance on [schools causing concern](#)<sup>52</sup> (intervening in failing or underperforming schools) has been considered where necessary.

## The presumption against the closure of rural schools

Proposers should be aware that the department expects all decision makers to adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area.

The presumption does not apply where a rural infant and junior school on the same site are being closed to establish a new primary school.

Proposers should set out whether the school is referred to in the [Designation of Rural Primary Schools \(England\) Order](#)<sup>53</sup> or, where the school is a secondary school, whether the school is identified as rural on the [Get Information about Schools](#)<sup>54</sup> database (using the Office for National Statistics' [Rural and Urban Area Classification](#)<sup>55</sup>).

In formulating any closure proposals under this section in relation to a rural primary school<sup>56</sup>, proposers must have regard to:

- the likely effect of the discontinuance of the school on the local community;
- the availability, and likely cost to the local authority, of transport to other schools;
- any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- any alternatives to the discontinuance of the school.

Proposers, for all rural closures, in addition to the above, should also provide evidence to show they have carefully considered:

- alternatives to closure including:
  - conversion to academy status and joining a multi-academy trust;

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<sup>52</sup> <https://www.gov.uk/government/publications/schools-causing-concern--2>

<sup>53</sup> <https://www.gov.uk/government/publications/rural-primary-schools-designation>

<sup>54</sup> <https://get-information-schools.service.gov.uk/>

<sup>55</sup> <https://www.gov.uk/government/collections/rural-urban-classification>

<sup>56</sup> "Rural primary school" means a primary school designated as such for the purposes of this section by an order made by the Secretary of State

- federation with another local school;
- the scope for an extended school to provide local community services and facilities (e.g. childcare facilities, family and adult learning, healthcare, community internet access);
- the availability, and likely cost to parents, of transport to other schools;
- whether the proposal will result in unreasonably long journey times;
- the size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;
- the proportion of pupils attending the school from within the local community i.e. whether the school is being used by the local community;
- the overall and long term impact on local people and the community of the closure of the school and of the loss of the building as a community facility;
- educational standards at the school and the likely effect on standards at neighbouring 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);
- wider school organisation and capacity of good schools in the area to accommodate displaced pupils.

## **The presumption against the closure of nursery schools**

Proposers should be aware that decision makers are expected to adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but that the case for closure should be strong.

Where a proposal is for the closure of a maintained nursery school, the proposer should set out:

- plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism; and
- how replacement provision is more accessible and more convenient for local parents.

When proposing to close a school which includes early years provision, proposers should set out whether the alternative early years provision will integrate preschool education with childcare services and/or with other services for young children and their families.



## Amalgamations

There are 2 ways to amalgamate 2 (or more) existing maintained schools:

- The local authority and/or governing body (depending on school category) can publish proposals to close 2, or more, schools and the local authority (or a proposer other than the local authority depending on category) can publish a proposal to open a new school. Where this is a presumption school, this will be subject to publication of a section 6A notice (see part 2 of this guidance). This will result in a new school number being issued.
- The local authority and/or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site of an existing school (following the statutory prescribed alterations process as necessary), to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed. This is sometimes referred to as a 'merger'.

## Schools wishing to acquire, change or lose a religious character

It is not possible to add, change or remove the religious character of an existing maintained school. The school must be closed, following the usual statutory process, and a new school may be established.

Schools designated with a religious character that close will automatically have the designation revoked.

Where a new school with a religious character is proposed (including through amalgamation), the proposer will need to apply separately, to the Secretary of State, for the new school to be [designated with a religious character](#)<sup>57</sup>. This would normally be done once the proposal for the new school has been approved.

Where a new school is proposed to be designated as having a religious character, proposers should set out that the school will have a religious character and whether their admission arrangements would adopt any faith-based admissions criteria. It will need to have consulted on, and determined, its admission arrangements in accordance with the [School Admissions Code](#)<sup>58</sup>.

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<sup>57</sup> <https://www.gov.uk/guidance/religious-character-designation-guide-to-applying#application>

<sup>58</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>

## Reversion of sites

Many Church of England schools occupy sites provided under the School Sites Act 1841. Section 2 of that Act enables a landowner to provide a site for the educational purposes listed (typically a school or a school house), under a statutory charitable trust. It also provides that, if the land ceases to be used for the purpose of the 1841 Act which is stated as the primary purpose in the trust deed (i.e. usually the school), it would revert to the donor or heirs by operation of law<sup>59</sup>. Section 14 of the 1841 Act allows a site to be sold or exchanged and any money arising from such a sale or exchange to be applied for the purposes of the trust deed (without triggering reverter), but it is important to keep in mind that if a school with a site provided under the 1841 Act were to close and not be replaced with a new school held on the same trusts, this would trigger the reversion (close attention must however always be paid to the detailed wording of the trust deed).

## Two years' notice of closure – voluntary and foundation schools

In addition to the statutory process for closure further to proposals made under section 15 of EIA 2006, the governing body of a voluntary or foundation school may, subject to specified provisions<sup>60</sup>, give the Secretary of State and the local authority at least 2 years' notice of their intention to close the school.

The site trustees of a foundation or voluntary school must give their governing body at least 2 years notice if they intend to terminate the school's occupation of its site, subject to specified provisions<sup>61</sup>. The minimum 2 years' notice allows the local authority and/or governing body time to make alternative arrangements for pupils. This might not necessarily lead to the closure of the school. The school might instead just move sites. Section 30(10) of SSFA 1998 also specifies that the notice requirements at section 30(11) only need to be followed if the land is held for the purposes of the school and the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.

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<sup>59</sup> Though section 1 of the Reverter of Sites Act 1987 has now replaced statutory reverter with a non-charitable statutory trust of the land or its proceeds of sale to be held for the donor or heirs

<sup>60</sup> As outlined in section 30 of the School Standards and Framework Act 1998. Please also note the requirements to obtain the Diocesan Board of Education's advice at section 7 of the Diocesan Boards of Education Measure 2021 (the DBE Measure 2021)

<sup>61</sup> As also outlined in section 30 of SSFA 1998. Please again also note the requirements to obtain advice at section 7 of the DBE Measure 2021

## **Closure of a community special or foundation special school in the interests of pupils**

The Secretary of State may direct<sup>62</sup> a local authority to close a community special or foundation special school if they consider it is in the interests of the health, safety or welfare of the pupils. Prior to making the direction, the Secretary of State must consult: the local authority; any other local authority who would be affected by the closure of the school; for a foundation special school with a foundation, the person who appoints the foundation governors; and any other persons the Secretary of State considers appropriate.

The Secretary of State must give notice of the direction in writing to both the governing body and the head teacher of the school. The school must be closed on the date specified by the Secretary of State.

## **‘Closures’ which do not require the statutory closure process**

Temporary school closures – a proposal to close a school is not required where a school will temporarily cease to operate due to a rebuild.

Discontinuing use of a site – where a school operating over multiple sites proposes to cease operations on one (or more) of its sites the proposal will be for a [prescribed alteration](#)<sup>63</sup> and not a school closure.

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<sup>62</sup> Section 17 of EIA 2006

<sup>63</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

## The statutory process

This section sets out the stages of the statutory process. The statutory process below must be followed for opening<sup>64</sup> and closing<sup>65</sup> a maintained school.

### Related proposals

A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Where proposals are related, this should be made clear in consultation and representation periods, in published notices, and proposals.

### Stage one: consultation

It is a statutory requirement to consult any parties the proposer thinks appropriate before publishing proposals under section 10 or 11 for new schools and for section 15 proposals to close a maintained school.

The proposer may use the consultation to consider a range of options for the future of a school (e.g. amalgamation, academy conversion, federation or closure). However, the proposer must then publish specific proposals (see stage 2 of the statutory process below). It is these specific proposals setting out details of the new school or the school to be closed which can be commented on or objected to during the statutory representation period.

It is for the proposer to determine the nature and length of the pre-publication consultation. It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. Proposers should have regard to the Cabinet Office guidance on [consultation principles](#)<sup>66</sup> when deciding how to carry out the consultation period.

In the case of the closure of rural primary schools and special schools, the Act sets out some particular groups who must be consulted. This is set out in Annex A to this guidance.

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<sup>64</sup> Under sections 10 and 11 of EIA 2006

<sup>65</sup> Under section 15 of EIA 2006

<sup>66</sup> <https://www.gov.uk/government/publications/consultation-principles-guidance>

## Stage 2: publication

A statutory proposal should be published within 12 months of the initial consultation period being completed. This is so that it can be informed by up-to-date feedback. A proposal MUST contain the information specified in either schedule 1 (for establishing a new school, as set out in Annex B to this guidance)<sup>67</sup> or schedule 2 (for closing a school, as set out in Annex C to this guidance) to the Establishment and Discontinuance Regulations.

The proposer must publish the full proposal on a website along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends (4 weeks from publication); and
- the address to which objections or comments should be submitted.

A brief notice containing the website address of the full proposal must be published in a local newspaper.

In all cases, within one week of the date of publication on the website, the proposer MUST send a copy of the proposal and the information set above to:

- the Secretary of State ([schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk));
- the Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any Roman Catholic diocese any part of which is comprised in the area of the relevant authority;
- any other body or person that the proposer thinks is appropriate (e.g. any relevant religious authority);
- where the proposal is for a new school under section 10 or 11 of EIA 2006 and the local authority is not the proposer, the local authority which it is proposed would maintain the school;
- where the proposal is to close a special school, the parents of every registered pupil at the school; and

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<sup>67</sup> Proposals published under section 11(1) (proposals to establish a new maintained nursery school) need not contain the information specified in paragraphs 7, 8, 10, 12, 18, 23, 24, and 25 of schedule 1

- where the proposal is for the closure of a maintained school, the governing body or the local authority responsible for maintaining the school (as appropriate).

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

### **Stage 3: representation**

Proposers should consult organisations, groups and individuals they feel to be appropriate during the representation period (the information in Annex A can be used for examples).

The representation period starts on the date of publication of the statutory proposal and **MUST** last for 4 weeks. During this period, any person or organisation can submit comments on the proposal, to the local authority, to be taken into account by the decision maker. It is also good practice for local authorities to forward representations to the proposer (subject to any issues of data protection or confidentiality) to ensure that they are aware of local opinion.

The decision maker will need to be satisfied that the proposer has had regard for the statutory process and must consider **ALL** the views submitted during the representation period, including all support for, objections to, and comments on the proposal.

### **Stage 4: decision**

Related opening and closing proposals must be considered together and, where applicable, referred to the Adjudicator together. Related prescribed alterations proposals should also be considered and, where possible, determined at the same time.

The local authority will be the decision maker on a school closure proposal, unless the closure proposal is 'related' to another proposal that is to be decided by the Schools Adjudicator.

The Schools Adjudicator will decide proposals for new schools made by the local authority and cases where one of the proposals has the local authority involved in the foundation of a proposed foundation school with a foundation in one of the ways set out in paragraph 10(2) of schedule 2 to EIA 2006. The local authority must refer such proposals within 2 weeks of the end of the representation period. The local authority will decide proposals for new schools from other proposers.

The Schools Adjudicator will also be the decision maker in any case where the local authority does not make a decision within a period of 2 months of the end of the

representation period. Where this happens, the local authority must, within a week of the end of that 2 month period, refer the case to the Schools Adjudicator.

Under paragraph 12 of schedule 2 to EIA 2006, the Secretary of State may also direct any section 7 proposals published by the local authority, but not yet determined, to be referred to the Schools Adjudicator.

The body or individual that takes the decision must have regard to the statutory decision makers guidance contained in this document.

When issuing a decision, the decision maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable; or
- approve the proposal, with or without modification, subject to certain conditions<sup>68</sup> (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When revoking a proposal prior to a decision being made, the proposer must send written notice to the local authority and (where the proposal has been referred to the Adjudicator) also to the Schools Adjudicator.

Where the local authority is the decision maker, within one week of making a decision, they MUST publish their decision and the reasons for such a decision being made on their website. They MUST arrange for notification of the decision and reasons for it to be sent to:

- the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk));
- the proposers;
- the Schools Adjudicator;
- the Diocesan Board of Education of any Church of England diocese any part of which is comprised in the area of the relevant authority;
- the bishop of any Roman Catholic diocese any part of which is comprised in the area of the relevant authority; and
- any other body considered appropriate (e.g. site trustees).

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<sup>68</sup> As specified in regulation 16 of the Establishment and Discontinuance Regulations. If these conditions aren't met, the decision maker must consider the proposals afresh

Where the Schools Adjudicator is the decision maker, where possible they should send notification of the decision and reasons for it, within one week of deciding, to the local authority and the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk)) to ensure the appropriate records can be updated and to allow for any actions required as a consequence of the decision to be completed (e.g. an admissions preference exercise following approval to close a school).

## **Rights to refer local authority decisions to the Schools Adjudicator**

For rights to refer a decision taken by the local authority to the Schools Adjudicator, see table 2 (for establishment proposals) and table 3 (for closure proposals).

Within one week of receipt of a request for a referral, a local authority must send the proposal, representations received and the minutes and papers for the meeting at which it considered the proposals to the Schools Adjudicator.

There is no right of appeal against determinations made by the Schools Adjudicator. Adjudicator decisions can be challenged only by Judicial Review in the Courts.

## **Stage 5: implementation**

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, decision makers should be confident the proposers have good justification (for example an authority-wide reorganisation) if they propose a timescale longer than 3 years.

The proposer must implement a proposal in the form approved, including any modifications made by the decision maker (unless modifying or revoking, as below).

The School Organisation Team will make the necessary changes to the school(s) GIAS record(s).

For proposals to establish a new school, the proposer should contact the School Organisation Team (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk)) at least one month before the proposed opening date to confirm that the new school will be opening on time. It is at this point that a GIAS record will be established, and the school will be assigned a URN.

## **Modification post determination**

If it proves necessary, due to a major change in circumstance, or it being unreasonably difficult to implement a proposal as approved, the proposer can propose modifications



(e.g. to amend the implementation date) to the decision maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been approved.

The local authority or the Schools Adjudicator (where the decision in relation to the original proposal was decided by the Schools Adjudicator) will be the decision maker for any proposals for modifications post determination. The decision maker must notify the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk)) within one week of decision.

## Revocation

If the proposer does not wish to implement an approved proposal because doing so would be unreasonably difficult or circumstances have changed (so that implementation would be inappropriate) the proposer must publish a revocation proposal, to be relieved of the duty to implement. A revocation proposal must contain:

- a description of the original proposal as published;
- the date of the publication of the original proposal;
- details of who published the original proposals; and
- a statement as to why the duty to implement the original proposal should not apply.

The proposer must publish the revocation proposal on a website and a brief notice of the revocation proposal (which must include the address of the website where the proposals are published) in a local newspaper. Both must make clear:

- how copies of the revocation proposals may be obtained;
- that any person may object to or comment on the revocation proposals and the address of the local authority to which any objections or comments should be submitted; and
- the date by which such objections or comments must be submitted (which must be within 4 weeks of publication of the proposals).

Within one week of publication, the proposer must send copies of the proposal to:

- the local authority (where they are not the proposer);
- the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk)); and
- any other body or person that the proposer thinks appropriate.

The local authority will be the decision maker for revocation proposals with the exception of cases where the initial decision in relation to the original proposal was decided by the Schools Adjudicator. In such cases the local authority must refer the revocation proposal (together with any comments or objections) within 2 weeks of the end of the representation period to the Schools Adjudicator.

## Guidance for decision makers

This section sets out the considerations that should be made by the local authority or Schools Adjudicator when deciding proposals to establish or discontinue (close) a school. Decision makers must have regard to this guidance.

In all cases, the decision maker should be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily and should have due regard to all responses received during the representation period.

## Factors to consider when determining proposals

### Demand and need

When considering proposals to establish new provision, the decision maker should be satisfied that the proposer has demonstrated demand for the provision being proposed. This should include:

- evidence of any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools), in relation to the number of places to be provided;
- the quality and diversity of schools in the relevant area and whether the proposal will meet the needs of parents, raise local standards and narrow attainment gaps;
- the popularity of other schools in the area and evidence of parental demand for a new school; and
- surplus capacity should be a serious consideration – local authorities should consider the impact of the new places on existing good educational provision in the local area, and accumulating high levels of surplus should be avoided.

When determining proposals to discontinue (close) provision, the decision maker should be satisfied that there is sufficient capacity elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term.

The decision maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system. The decision maker should have regard for the local context in which the proposals are being made, taking into account the nature of the area, the age of the children involved and, where applicable, alternative options considered for reducing excess surplus capacity.

## Suitability

When considering any proposal for a new maintained school, the decision maker should consider the proposal on its merits and take into account all matters relevant to the proposal. Any proposal put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance on [Promoting fundamental British values through SMSC](#)<sup>69</sup>.

## Proposed admission arrangements

Before approving a proposal, the decision maker should confirm that the admission arrangements of the school are compliant with the [School Admissions Code](#)<sup>70</sup>. Although the decision maker cannot modify proposed admission arrangements, the decision maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

## School size

Decision makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. Section A2 of [how to apply to set up a mainstream free school](#)<sup>71</sup> sets out the department's expectations on school size.

## Equal opportunity issues

The decision maker must have regard to the Public Sector Equality Duty (PSED), which requires them to have due regard to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between people with a protected characteristic and those without that characteristic.

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<sup>69</sup> <https://www.gov.uk/government/publications/promoting-fundamental-british-values-through-smsc>

<sup>70</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>

<sup>71</sup> <https://www.gov.uk/government/publications/free-school-application-guide/how-to-apply-to-set-up-a-mainstream-free-school>

The decision maker must consider the impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals (e.g. where there is a proposal to establish new single sex provision in an area, there is equal access to single sex provision for the other sex). Decision makers should be satisfied that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area in which a school is located, whilst ensuring that such opportunities are open to all.

## Integration and community cohesion

The decision maker should consider the impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Action Plan](#)<sup>72</sup>.

When considering publishing or deciding a proposal, the proposers and the decision maker should take account of the community to be served by the school and the views of different sections within the community. They should also consider the relevant points set out on [integration and community cohesion](#) earlier in this guidance.

## Travel

Decision makers should be satisfied that the proposal will not adversely impact any particular group, including those with protected characteristics or who are disadvantaged (for example, those who are eligible for free school meals or pupil premium). Decision makers should also consider how the proposal will support the local authority's duty to promote the use of sustainable travel and transport to school.

When closing a school, decision makers should consider whether the proposal will result in unreasonably long journey times or increased travel costs for local authorities or families, as well as any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase.

When opening a school, decision makers should consider how children will travel to the school and be satisfied that the proposers have taken into account that the children they expect to apply for the school will be able to travel there sustainably, where possible, e.g. by walking, cycling or using public transport. Further information is available in the statutory [home-to-school travel and transport guidance](#)<sup>73</sup>.

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<sup>72</sup> <https://www.gov.uk/government/publications/integrated-communities-action-plan>

<sup>73</sup> <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>

The decision maker will need to consider the local context, for example in areas with excessive surplus places, the decision maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options for reducing excessive surplus capacity.

## Funding

The decision maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement to the funding arrangements.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available.

Where a school is closing and other local schools need to take on displaced pupils, the following will apply in terms of the revenue funding support schools will receive for taking on additional pupils. Schools' core allocations in any given year are based on the number of pupils that they had on roll at the previous autumn census. This means that schools that take on additional pupils could be funded for fewer pupils for a given year. Local authorities can use growth funding to support schools to manage the revenue costs of an increase in pupil numbers before schools receive the corresponding increase in their core funding.

The department provides local authorities growth funding through the National Funding Formula (NFF) within their schools' block. Local authorities' growth funding is allocated based on the actual growth in pupil numbers experienced in the previous year. Local authorities determine criteria for allocating growth funding to schools in their area with the agreement of their schools forum. Further information is available in the [Schools Operational Guidance](#)<sup>74</sup> on local implementation of the funding system.

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<sup>74</sup> <https://www.gov.uk/government/publications/pre-16-schools-funding-local-authority-guidance-for-2023-to-2024/schools-operational-guide-2023-to-2024#growth-funding>

## Schools causing concern

In determining proposals, decision makers must ensure that the guidance on [schools causing concern](#)<sup>75</sup> (intervening in failing or underperforming schools) has been considered where necessary.

## Rural schools and the presumption against closure

Decision makers should adopt a presumption against the closure of rural schools. 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. Where a school is not recorded as rural on GIAS, the decision maker can consider evidence provided by interested parties that a particular school should be regarded as rural.

In deciding a proposal to close a rural school, the decision maker should refer to the section on [rural schools](#) earlier in this guidance.

## Nursery schools and the presumption against closure

Decision makers should adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but the decision maker should refer to the section on [nursery schools](#) earlier in this guidance.

## Balance of denominational provision

In deciding a proposal to close a school that has been designated with a religious character, decision makers should consider the effect that this will have on the balance of denominational provision in the area, as well as taking account of the number of pupils currently on roll, the medium and long term need for places in the area, and whether standards at the school have been persistently low.

In relation to the balance of denominational provision, if an infant and a junior school of a particular religious character in an area are to close and be replaced with a new all-through school, then there should normally be a preference for that new school to be of the same religious character as the predecessor schools.

Where one school has a religious character and the other does not, or has a different religious character, both proposers and decision makers should consider what would best meet the needs of the local community. Decision makers should consider what

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<sup>75</sup> <https://www.gov.uk/government/publications/schools-causing-concern--2>

impact the proposal will have on the balance of denominational provision in the area, the quality of the provision available and parental demand in the area for the different types of provision.

## Community services

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

## Determining revocation proposals

The local authority will be the decision maker for revocation proposals, with the exception of cases where the initial determination of the original proposal was made by the Schools Adjudicator. In such cases, the local authority must refer the revocation proposal together with any comments or objections within 2 weeks of the end of the representation period to the Schools Adjudicator. Where the local authority made the initial determination of the original proposals and the proposals were later referred to the Adjudicator, the local authority should determine any revocation proposals made.

The decision maker should be satisfied that the proposer has carried out the statutory revocation process appropriately (as set out in the [revocation](#) section of this guidance) and should have regard for any responses received during the 4 week representation period.

Local authorities must determine a revocation proposal within 2 months of the end of the representation period. Where the local authority has not determined the proposed by the end of the 2 month period, they must refer the decision to the Schools Adjudicator. The decision maker should make such persons aware of the decision as they consider appropriate. This should include:

- the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk));
- the governing body/proposers (as appropriate);
- the Schools Adjudicator or local authority (as appropriate);
- the Diocesan Board of Education of any Church of England diocese any part of which is comprised in the area of the relevant authority;
- the bishop of any Roman Catholic diocese any part of which is comprised in the area of the relevant authority;



- for a special school, the parents of every registered pupil at the school;
- the trustees of the school (where relevant, e.g. site trustees); and
- any other body considered appropriate (e.g. other relevant religious authority).

Where the following bodies are unsatisfied with the outcome of a decision taken on a revocation, they may refer to the Schools Adjudicator (who will take a fresh decision on the proposals) within 4 weeks of the publication of the decision:

- the Diocesan Board of Education for any diocese in the Church of England that is comprised in the area of the relevant authority;
- the bishop of any Roman Catholic diocese in the area of the relevant authority;
- the proposers; or
- the governing body or trustees of any foundation or voluntary school which is the subject of the proposals (where relevant).

Within one week of receiving the referral, the local authority must send to the Adjudicator:

- any objections or comments in relation to the proposals;
- minutes of the meeting at which the revocation proposals were considered; and
- any papers considered by the local authority at that meeting.

## **Determining requests to modify approved proposals**

Proposers may request modifications to approved proposals or ask the body which approved the proposals to specify a later date in respect of conditional approval. Where the Schools Adjudicator made the initial decision on the original proposals, the local authority must refer the case to the Adjudicator within 2 weeks of receipt of the request from the proposers.

The decision maker should be satisfied that the proposal does not modify the existing proposals to the extent that new proposals are substituted for those that were originally published.

Where approved proposals are modified, the local authority or the Schools Adjudicator (as the case may be) must notify the Secretary of State (via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk)) within one week of the date of the proposals being modified.

## Annex A: Consultations

In the case of the proposed closure of a rural primary school or a community special or foundation special school, prior to publishing a statutory notice and proposal, proposers must<sup>76</sup> consult:

- the registered parents of registered pupils at the school;
- in the case of a rural primary school:
  - the local authority (where they are not the proposer);
  - where the local authority are a county council, any district council for the area in which the school is situated;
  - any parish council for the area in which the school is situated;
- in the case of a special school, any local authority which maintains an Education, Health and Care plan in respect of a registered pupil at the school;
- any other interested organisation/person that the proposer thinks appropriate.

The Secretary of State considers that these bodies, along with those listed below (as applicable) should be consulted in the case of the proposed opening or closure of all schools:

- the governing body (as appropriate);
- pupils at the school;
- if a proposal involves, or is likely to affect, a school which has a particular religious character, the appropriate diocese or relevant religious authority<sup>77</sup> ;
- the trustees of the school (if any);
- teachers and other staff at the school;
- any local authority likely to be affected by the proposal, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- parents of any pupils at other schools who may be affected by the proposal including, where appropriate, families of pupils at feeder primary schools;

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<sup>76</sup> Under section 16(1) of EIA 2006.

<sup>77</sup> As highlighted by earlier footnotes, under the DBE Measure 2021 church school (as defined by the Measure) governing bodies must seek their Diocesan Board of Education's advice, before making closure proposals under s15(2) and site trustees have a duty to do this too.

- any trade unions who represent staff at the school, and representatives of any trade union of staff at other schools who may be affected by the proposal; and
- MPs whose constituencies include the school that is the subject of the proposal or whose constituents are likely to be affected by the proposal.

## **Annex B: Statutory proposals for establishing a new school**

As set out in schedule 1 to the Establishment and Discontinuance Regulations, the information below must be included in section 10 and 11 proposals to establish a new school:

### **Contact details**

The name and contact address of the local authority or the proposers (as the case may be).

### **Implementation**

The date on which it is proposed that the school be opened or, where it is proposed that the opening be implemented in stages, the dates of and information about each stage.

Where the proposals are to establish a voluntary, foundation or foundation special school, a statement as to whether the proposals are to be implemented by the local authority or by the proposers, and if the proposals are to be implemented by both:

- a statement as to the extent that they are to be implemented by each body; and
- a statement as to the extent to which the capital costs of implementation are to be met by each body.

### **Reason for the new school**

A statement explaining the reason why the new school is considered necessary and whether it is to replace an existing school or schools.

### **Category**

The category of school that it is proposed be established (a foundation or foundation special school and, if so, whether it is to have a foundation, a voluntary school, a community or community special school, or a local authority maintained nursery school) and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publish the proposals.

## **Ethos and religious character**

A short statement setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

If it is proposed that the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Where it is proposed that the school has a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion.

Where it is proposed that the school adheres to a particular philosophy, evidence of the demand for education in accordance with that philosophy that is not already met in other maintained schools or academies in the area.

## **Pupil numbers and admissions**

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is to be made at the school.

## **Admission arrangements**

Except in relation to proposals for special schools, the proposed admission arrangements and over-subscription criteria for the new school. Where the school is proposed to be a foundation or voluntary school which is to have a religious character:

- the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

## **Early years provision**

Where the proposals are to include provision for pupils aged 2 to 5:

- details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;

- how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;
- evidence of parental demand for additional early years provision;
- assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector which deliver the Early Years Foundation Stage, within 3 miles of the school; and
- the reasons why schools and settings outside the maintained school sector which deliver the Early Years Foundation Stage within 3 miles of the school, and which have spare capacity, cannot make provision for any forecast increase in the numbers of such children.

## Sixth form provision

Where it is proposed that the school will provide sixth form education, for 16 to 19 year olds in the area, how the proposals will:

- improve the educational or training achievements;
- increase participation in education or training;
- expand the range of educational or training opportunities available to them.

Where the addition of sixth-form provision to existing provision is being proposed, a change of age-range will be required, and proposers should refer to the separate guidance on [prescribed alterations](#)<sup>78</sup>.

## Special educational needs provision

Whether the school will have provision that is recognised by the local authority as reserved for children with special educational needs and, if so, the nature of such provision.

Details of the proposed policy of the school relating to the education of pupils with special educational needs.

Where the school will replace existing educational provision for children with special educational needs:

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<sup>78</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

- a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children;
- details of the improvements that the proposals will bring in respect of:
  - access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local authority's Accessibility Strategy;
  - access to specialist staff, both education and other professionals, including any external support or outreach services;
  - access to suitable accommodation; and
  - supply of suitable places.

## Single sex school

Where the school is to admit pupils of a single sex:

- evidence of local demand for single sex education and how this will be met if the proposals are approved; and
- a statement giving details of the likely effect the new school will have on the balance of provision of single sex education in the area.

## Curriculum

Confirmation that the school will meet the general requirements in relation to the curriculum contained in section 78 of the Education Act 2002 (EA 2002) and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

## Relevant experience of proposers

Evidence of any relevant experience in education held by the proposers including details of any involvement in the improvement of standards in education.

## Effects on standards and contributions to school improvement

Information and supporting evidence on:

- how the school will contribute to enhancing the diversity and quality of education in the area; and
- how the school will contribute to school improvement.

## Location and costs

A statement about:

- the area or particular community or communities which the new school is expected to serve;
- the location of the site or sites including, where appropriate, the postal address or addresses;
- the current ownership and tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;
- whether the site is currently used for the purposes of another school and if so, why the site will no longer be required by the other school;
- the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the local authority) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);
- whether planning permission is needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained; and
- confirmation from the Secretary of State or local authority (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

## Travel

The proposed arrangements for travel of pupils to the school.

## Federation

Details of any proposals for the school to be established as a federated school.

## Voluntary aided schools

Where the school is to be a voluntary aided school:



- details of the trusts on which the site is to be held; and
- confirmation that the governing body will be able and willing to carry out their obligations under schedule 3 to SSFA 1998.

## **Foundation schools**

Where the school is to be a foundation or foundation special school, confirmation as to:

- whether it will have a foundation and if so, the name or proposed name of the foundation;
- the rationale for the foundation and the particular ethos that it will bring to the school;
- the details of membership of the foundation, including the names of the members;
- the proposed constitution of the governing body; and
- details of the foundation's charitable objects.

## **Independent schools entering the maintained sector**

Where a school is an independent school entering the maintained sector:

- a statement that the requirements of section 11(3) are met;
- a statement as to whether the premises will meet the requirements of the School Premises (England) Regulations 2012 and, if not:
  - details of how the premises are deficient; and
  - details of how it is intended to remedy the deficiency.

## **Annex C: Statutory proposals for school closures**

As set out in schedule 2 to the Establishment and Discontinuance Regulations the information below must be included in a proposal to close a school:

### **Contact details**

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

### **Implementation**

The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

### **Reason for closure**

A statement explaining the reason why closure of the school is considered necessary.

### **Pupil numbers and admissions**

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made 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:

- any interim arrangements;
- 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

- in the case of special schools, the alternative provision (i.e. alternative suitable schools in the area) 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.

## **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.

## **Rural primary schools**

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

## **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.

## **Maintained nursery schools**

Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out:

- the local authority's assessment of the quality and quantity of the alternative provision (i.e. alternative suitable schools in the area) compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- the accessibility and convenience of replacement provision for local parents.

## **Sixth form provision**

Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of:

- their educational or training achievements;
- their participation in education or training; and
- the range of educational or training opportunities available to them.

## **Special educational needs provision**

Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

## **Travel**

Details of length and journeys to alternative provision (i.e. alternative suitable schools in the area).

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

## Annex D: Further Information

This guidance primarily relates to:

- [The Education and Inspections Act 2006](#), as amended by the [Education Act 2011](#)
- [The School Standards and Framework Act 1998](#), as amended by the [Education Act 2002](#)
- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)
- [Rural primary schools designation](#)
- [Rural and Urban Area Classification](#)
- [The Religious Character of Schools \(Designation Procedure\) Regulations 1998](#)
- [How to apply for religious designation](#)
- [Schools Adjudicator](#)
- [School Admissions Code](#)

It also relates to:

- [School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)
- [Governance Handbook](#)
- [School Premises \(England\) Regulations 2012](#)
- [The School Companies Regulations 2002](#) as amended by the [2003 Regulations](#) and the [2014 Regulations](#)
- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [Change your charity's governing document](#)
- [Academies Act 2010](#)
- [The free school presumption](#) - departmental advice for local authorities and new school proposers
- [Making significant changes to an academy](#)
- [Closure of an academy by mutual agreement](#)
- [Regional Department for Education Directors](#)
- [Consultation principles](#)



Department  
for Education

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## **APPENDIX D**

### **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](mailto: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](mailto:climatechange@northyorks.gov.uk) for advice.

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

**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><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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 <b>greenhouse gas emissions</b> 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>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</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><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>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 continue to be accommodated at existing local establishments with no additional running costs.</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><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>Emissions from data storage</p>	X			<p>The data storage for Fountains Earth Primary School as a separate institution would not be required going forward.</p>		
<p>Other</p>						
<p>Minimise <b>waste</b>: 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 <b>water</b> 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 <b>pollution</b> (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><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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 <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X		N/A		
<p>Enhance <b>conservation</b> and wildlife</p>		X		N/A		
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></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

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

**Authorised by relevant Assistant Director (signature): Amanda Newbold**

**Date:10/01/2024**



# 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](mailto: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 پوچھئے۔

**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	Sue Turley, Strategic Planning Officer
Names and roles of other people involved in carrying out the EIA	
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.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
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			No impact is anticipated as there are no children on roll. In future, parents in the Lofthouse area wishing to send their child to a Church of England school have St Cuthbert's Primary School, Pateley Bridge as their nearest school. This is situated 6.5miles from Fountains Earth, Lofthouse CE Endowed Primary School and currently has places available in all year groups.
Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil partnership	x			No impact is anticipated.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..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 travel assistance 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.

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

<p><b>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.</b></p> <p>Remaining staff employed at the school would experience changes under these proposals that staff and governors would need to manage sensitively and through a separate consultation process.</p>
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<b>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)</b>	<b>Tick option chosen</b>
1. <b>No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	
2. <b>Adverse impact - adjust the proposal</b> - 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. <b>Adverse impact - continue the proposal</b> - 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.	<b>x</b>

**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.)

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.

**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 School Improvement team and through Ofsted inspections. Monitoring of sufficiency of school places in the area will be undertaken by the 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: 8 March 24