

# NORTH YORKSHIRE COUNCIL

## THE EXECUTIVE

16 July 2024

### PROPOSAL TO CEASE TO MAINTAIN ST HILDA'S AMPLEFORTH CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL

#### 1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to determine the proposal to cease to maintain St Hilda's Ampleforth Church of England Voluntary Controlled Primary School with effect from 31 August 2024, together with the future arrangements for the School's current catchment area.

#### 2 EXECUTIVE SUMMARY

- 2.1 On 7 May 2024 the Executive approved the publication of statutory proposals to close St Hilda's Ampleforth Church of England Voluntary Controlled Primary School with effect from 31 August 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 22 May 2024, giving 4 weeks until 19 June 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 Responses to the Statutory Proposal

Appendix D School Organisation Guidance for Decision-makers

Appendix E Climate Change Impact Assessment

Appendix F Equality Impact Assessment

#### 3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for closing a maintained school. These are detailed in School Organisation regulations and guidance<sup>1</sup>. The regulations and guidance apply to

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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).

Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the North Yorkshire Council's Executive and Executive Members) acting as decision-makers.

## **4 PROPOSALS**

### **4.1 North Yorkshire Council proposes:**

- To cease to maintain St Hilda's Ampleforth Church of England Voluntary Controlled Primary School from 31 August 2024.
- That the current St Hilda's Ampleforth CE VC Primary School catchment area would be split between Husthwaite CE VC Primary School, Helmsley Community Primary School and Terrington CE VA Primary School. This would mean the parishes of Gilling East, Grimstone, Cawton and Coulton would become part of the catchment area for Terrington CE. The parishes of Oswaldkirk and Stonegrave would become part of the catchment area for Helmsley Community Primary School. The parishes of Byland with Wass and Ampleforth would become part of the catchment area for Husthwaite CE.

## **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 7 May 2024, the Executive considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

## **6 STATUTORY PROPOSALS AND NOTICES**

6.1 The statutory proposals and public notices were published on 22 May 2024. The public notice, placed on the school gates and in the Ryedale Gazette & Herald newspaper, invited written objections or comments to be submitted by 19 June 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, four responses objecting to the proposal were received by the end of the notice period on 19 June 2024.

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

7.1 The four responses received to the publication of statutory proposals discussed a number of different issues. The responses included matters that accord with the key issues raised during the previous consultation and that were addressed in the report to the Executive on 7 May 2024. Appendix C reproduces the full responses to the statutory proposals.

7.2 Pupil numbers including Nursery

All of the responses mentioned pupil numbers and argued that with 5 pupils in the Nursery the school will be viable going forward. The respondents clearly believe that the school is needed by the local community. Responses argued that there was an ongoing demand for places at the school and questioned the capacity of the other school in the village, St Benedict’s Catholic Primary School to accommodate future pupil numbers.

Response

When the initial consultation began in March 2024 there were two pupils in the school’s Nursery. In April three more pupils started which took the total to 5 attending the Nursery but this was not updated in the proposal document. The numbers of pupils on roll of compulsory school age have not changed. Officers would like to draw members attention to the current numbers on roll at the time of decision making and projected numbers for September 2024 if the school were to remain open:

<u>Current Pupil Numbers</u>		<u>September 2024</u>	
Reception-	1	Reception-	1 *
Year 1-	4	Year 1-	1
Year 2-	0	Year 2-	4
Year 3-	0	Year 3-	0
Year 4-	3	Year 4-	0
Year 5-	1	Year 5-	3
Year 6-	4	Year 6-	1
<b>Total-</b>	<b>13</b>	<b>Total-</b>	<b>10</b>
Nursery –	5	Nursery-	4

\* Number as at National Offer Day 16 April 2024.

Beyond the current year of admission is it difficult to project demand for places at the school. Parental preference shifts year on year and parents who may want their child to attend a school in the future may, for a wide variety of reasons, change this preference at any point before the time comes for them to submit applications.

According to available data there are currently 18 children living in the St Hilda's catchment area of the age group which would apply for places for Reception in September 2025. If, as respondents suggest, 6 of these pupils were to attend St Hilda's CE VC Primary School that would be 33% of the overall group. This is far higher than the percentage of comparable cohorts in the area that are currently attending the school. In two year groups there are 14 and 16 children of the same age and 0 pupils are attending St Hilda's CE VC Primary School. In two other year groups there are cohorts of 25 and 24 and only 5 pupils are attending St Hilda's out of that total of 49.

Whilst the school is clearly valued strongly by respondents to the consultation, of the 94 pupils living within the catchment area only 13 are attending St Hilda's CE VC Primary with parental preference for St Benedict's significantly outnumbering preference for St Hilda's in all year groups.

It should be noted that Council Officers have carried out a Preferencing Exercise to support current St Hilda's parents in expressing a preference for where their child would go to school if St Hilda's CE VC Primary School were to close. The Council has been able to provisionally meet the preferences of all parents. The majority of those parents have expressed a preference for St Benedict's Catholic Primary School. The Council is mindful of the admissions policy for St Benedict's and the proposals with regards to catchment areas are designed to ensure that the pupils living in the area are given priority for another school to allow for the unlikely eventuality that any pupils living in the area and wanting to attend St Benedict's were unable to gain a place at the school.

## 7.2 Leadership

One of the responses commented that they believe that previous leadership of the school had been poor and that this had played a part in lower numbers at the school.

### Response

Since 2011 there have been three Ofsted Inspections and each of them have judged Leadership and Management of the School to be 'Good'. The last Ofsted inspection was made in March 2020.

## 7.3 Effect upon Local Early Years Provision and Parents of Early Years Pupils

One of the responses received was from *Daisy Daycare* a local early year provider. They expressed concern about the ability of the local early years sector to accommodate all parental demand if St Hilda's

were to close. They noted in particular the increased entitlement to places from 9 months old and that this would restrict *Daisy Daycare's* ability to offer 3 and 4 year old places.

### Response

The comments received are noted. The local authority acknowledges that St Hilda's CE VC Primary school has provided early years provision from three years old upwards locally in Ampleforth. For the Summer Term 2024, there were only five children whose parents were claiming government funded provision at St Hilda's school nursery. This was an increase from the Autumn Term 2023 and Spring Term 2024 when there was one child and two children being claimed for respectively.

The latest data received from local childcare providers has demonstrated that there are vacancies available at both Daisy Daycare and St Benedict's Ampleforth Catholic Primary School and at other providers within the local area.

The roll out of the government's expansion for government funded provision for working parents with children aged over nine months from September 2024, and subsequently from September 2025, is expected to lead to an increased demand for places especially in the younger age groups. The Council is reviewing sufficiency of early years provision across the county to ensure that the statutory duty of the local authority can be met.

## 7.4 Effect upon the Local Community

One of the responses states that the school closing would negatively affect the village community.

### Response

This response as with those that were received at the consultation stage clearly demonstrate the strength of feeling from some members of the community about the importance of the school to the local area. In some villages the school itself may be the only building large enough to facilitate community gatherings however, in the case of Ampleforth there is a village hall and a church hall associated with the Catholic church, both of which are available for hire. In addition to St Hilda's CE VC Primary School there is, and in the event of closure, would remain another primary school within the village. There is currently no community use of the St Hilda's school site beyond the core educational use by the school. Whilst the school is clearly valued strongly by respondents to the consultation, of the 94 pupils living within the catchment area only 13 are attending St Hilda's CE VC Primary with parental preference for St Benedict's significantly outnumbering preference for St Hilda's in all year groups.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 As set out in the report to Executive dated 7 May 2024, in the event of St Hilda's Ampleforth Church of England Voluntary Controlled Primary School closing on the 31 August 2024, any legacy costs associated with the operation of the school incurred in the 2024/2025 financial year would need to continue to be charged to the St Hilda's 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 Taking into account the preferencing exercise and the schools that the current St Hilda's pupils would attend in the event of closure, there would be no additional immediate transport costs. Any pupils living in the current St Hilda's Ampleforth CE VC Primary School catchment area applying for school places at other local schools after the closure would be assessed under the home to school transport policy at the appropriate time. As such future transport costs cannot be estimated.

## **9 LEGAL IMPLICATIONS**

### 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:

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

- 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.
- (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 20 February 2024 set out the key concerns and these issues were explored in further detail in the Executive Report on 7 May 2024. The latest position on these issues is summarised below.

### 11.2 Pupil Numbers

- 11.3 St Hilda's is a small rural 3-11 CE VC Primary School and currently has 13 children of statutory school age on roll. The School has operated with 36 pupils or less for the last 15 years. According to the October census each year there has been a downward trend in the number of pupils on roll since 2018/19:

2016/17 – 20 pupils  
 2017/18 – 27  
 2018/19 – 36  
 2019/20 – 35

2020/21 – 28  
 2021/22 – 29  
 2022/23 – 20  
 2023/24 – 13 (June 2024)

- 11.4 As set out in paragraph 7.2 above, it is likely that the number of children of compulsory school age on roll at the school is forecast to be 10 by Autumn Term 2024.
- 11.5 The school has a Published Admission Number (PAN) of 7 pupils per year group. The school has capacity to accommodate up to 49 pupils if all spaces are in use, and therefore has the potential to contribute 49 places in the local area.
- 11.6 The school catchment area had a primary age cohort of children of 93 children in 2017 (the earliest records held by the Council) and 94 children in October 2023. This cohort figure is based on children living in the catchment area and attending a North Yorkshire area school at that time, be that LA maintained or academy. The St Hilda’s School catchment area was extended in 2022 following the closure of Hovingham CE VC Primary School, to include an area that St Hilda’s had formerly shared with Hovingham, so the figures prior to 2022 include children who lived in the discrete St Hilda’s catchment area and the area it shared with Hovingham. The second data set in the table below shows how many of those ‘in-area’ children were attending St Hilda’s school at that time. This shows the number of ‘in-area’ children at the school reduced significantly from 35 to 13 between October 2019 and October 2023.

	<b>Primary school age children living in catchment and attending a NY School</b>	<b>Of those how many were attending St Hilda’s CE Primary School</b>
October 2017 Census	93	27
October 2018 Census	97	34
October 2019 Census	86	35
October 2020 Census	78	32
October 2021 Census	96	29
October 2022 Census	99	25
October 2023 Census	94	13

- 11.7 It should be noted that Ampleforth is quite unusual in being a relatively small rural village that is currently served by two primary schools. Although there were 94 pupils living in catchment at the October 2023 census only 13 of these were attending St Hilda’s with 55 attending St Benedict’s Catholic Primary School which is located only a short distance away.

Finance



- 11.8 Pupil numbers are a significant factor in determining the school budget under the national funding formula, and the fall in pupil numbers has undermined the school's future financial position.

Based on the 2024/25 Revised Budget submitted in May 2024 the school brought forward an end of year surplus of £101.6k at the end of the 2022/23 financial year; the funding for the 2023/24 financial year was based on 27 pupils.

However, the school is projecting in-year budget deficits of £59.7k in 2024/25 and £87.3k in 2025/26 and an overall cumulative budget deficit of £45.3k at March 2026. The budget projections are based on pupil number assumptions of 13 in 2024/25 and 10 in 2025/26, so the position will deteriorate further if pupil numbers fall below that level. It is understood that these current budget projections assume future leadership costs continue at the same level as the current interim arrangements. The Arete Learning Trust (formerly the Ryedale Learning Trust) provided the leadership support for the school free of charge for the spring and summer term in 2023 and the executive leadership support for the school this academic year (2023-24) for a contribution of £5k. However, it is likely that the leadership costs would significantly increase if the school were to appoint a substantive headteacher (either full time or part-time) which would result in a further deterioration of the budget position. Therefore, there appears to be no reasonable prospect of longer-term financial viability for the school.

- 11.9 In the event of St Hilda's closing on the 31 August 2024, any legacy costs associated with the operation of the school incurred in the 2024/25 financial year would need to continue to be charged to the 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. 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.

#### School Leadership

- 11.10 The school's current leadership arrangement with leadership being provided by the Arete Learning Trust (formerly Ryedale Learning Trust) is only in place until the end of the summer term 2024. Governors have requested the consultation in January as they identified the importance of a decision on the school's future being made before the end of this academic year.

#### Standards and Curriculum

11.11 The most recent full graded Ofsted inspection for St Hilda's was in March 2020. At that time there were 38 pupils on roll. Ofsted judged the school to be 'Good'.

11.12 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.

## **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 E. The assessment concluded that *'This proposal has positive and negative environmental impacts. The positive impacts will be a reduction in energy usage associated with a whole establishment and site ceasing to be used. Reducing surplus capacity indicates a more efficient use of resources. This would include reductions in heating, lighting and water usage but also other resource usage. In the longer term there could be a negative impact associated with some increased use of vehicles to transport the pupils to and from school if parents chose to send their children to the proposed catchment schools. However, initial indications are that this may not be significant. The preferencing exercise to determine provisional school places for current for pupils currently on roll at St Hilda's CE VC Primary has been completed and the vast majority of parents have chosen for their child to attend St Benedict's Catholic Primary School. This therefore means the impact on transport is minimal and would continue to be minimal if this pattern of preference continued. 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 F. The assessment concluded that *'The purpose of the consultation and proposed decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner. In order to achieve these aims the proposal to close St Hilda's Ampleforth CE VC Primary School needs to be considered. Whilst it is recognised that there may be adverse impact upon those with protected characteristics of age and religion/belief, there are more positive impacts that will*

*result if these proposals are implemented. As these proposals develop any adverse impacts will be carefully monitored, and all reasonable mitigations will be taken'*

13.2 As St Hilda's Church of England VC Primary School is designated as a rural school there are some particular considerations for the proposers of any closure. There is a presumption against the closure of rural schools. This does not mean rural schools should not close. It means that the 'case for closure should be strong and the proposal must be clearly in the best interests of educational provision in the area'. Proposers must demonstrate that they have considered the following:

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

These factors are considered in the statutory proposal, attached as Appendix A, and in paragraph 5.21 of the report to the Executive dated 7 May 2024.

## **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 St Hilda's Ampleforth Church of England Voluntary Controlled Primary School with effect from 31 August 2024.

ii) That the current St Hilda's Ampleforth CE VC Primary School catchment area would be split between Husthwaite CE VC Primary School, Helmsley Community Primary School and Terrington CE VA Primary School. This would mean the parishes of Gilling East, Grimstone, Cawton and Coulton would become part of the catchment area for Terrington CE. The parishes of Oswaldkirk and Stonegrave would become part of the catchment area for Helmsley Community Primary School. The parishes of Byland with Wass and Ampleforth would become part of the catchment area for Husthwaite CE.

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Corporate Director – Children and Young People’s Service

Report prepared by Matt George, 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: Responses to the Statutory Proposal
- Appendix D: School Organisation Guidance for Decision-makers
- Appendix E: Climate Change Impact Assessment
- Appendix F: Equality Impact Assessment

Background documents

Report, Executive, 7 May 2024

Report, Corporate Director’s meeting with Executive Members, 20 February 2024.