

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

9 March 2021

PROPOSAL TO CEASE TO MAINTAIN ST HILDA'S ROMAN CATHOLIC PRIMARY SCHOOL, WHITBY

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

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 Roman Catholic Primary School, Whitby with effect from 9 April 2021.

2 EXECUTIVE SUMMARY

- 2.1 On 12 January 2021 the County Council's Executive approved the publication of statutory proposals to close St Hilda's Roman Catholic Primary School, Whitby with effect from 9 April 2021.
- 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 January 2021, giving 4 weeks until 19 February 2021 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 Notice

Appendix D: School Organisation Guidance for Decision-makers

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for closing a maintained school. These are detailed in School Organisation regulations and guidance¹. The regulations and guidance apply to Local Authorities and governing bodies proposing to close schools, and to Local Authorities (including the County Council's Executive) acting as decision-makers.

4 PROPOSALS

- 4.1 North Yorkshire County Council proposes:

To cease to maintain St Hilda's Roman Catholic (Voluntary Aided) Primary School, Whitby with effect from 9 April 2021.

¹ School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education 'Opening and closing maintained schools Statutory Guidance for proposers and decision-makers', November 2019.

5 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 The consultation period ran from 2 November 2020 to 14 December 2020. Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses to the consultation are included in Appendix A.
- 5.2 On 12 January 2021, the County Council's Executive considered the consultation responses, and resolved to proceed with publication of the statutory proposals.
- 5.3 The Local Authority had previously commenced a consultation on the closure of St Hilda's R.C Primary School in January 2020. The detail of the halting of that process and its relationship to this proposal is set out in Appendix A.

6 STATUTORY PROPOSALS AND NOTICES

- 6.1 The statutory proposals and public notices were published on 22 January 2021. The public notice, placed on the school gate and in the Whitby Gazette newspaper, invited written objections or comments to be submitted by 19 February 2021. 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 County Council's website. A copy of the proposal is attached as Appendix A.
- 6.2 Following the publication of the Statutory Notices, one response was received by the end of the notice period on 19 February 2021. A copy of this response, which objected to the closure, can be found at Appendix C.

7 ISSUES RAISED IN RESPONSE TO STATUTORY NOTICES

The one response that was received to the statutory notices set out a number of concerns about the closure proposal, which are considered in this section of the report.

- 7.1 Concern over consulting during lockdown
Officers acknowledge that holding a consultation during the public health restrictions imposed as a result of the COVID pandemic was challenging. However, all endeavours were made to give stakeholders opportunity to feed into the process. This included not only the virtual consultation meetings but also a wider offer to provide additional engagement with anyone who could not take part in these events. The respondent asserted that it was a result of the lockdown that caused less responses from stakeholders. Officers are of the view that a more significant reason was that the community had been given an opportunity to look at further solutions for the school since the previous closure consultation had been halted, and now felt that all options had been explored. The detail of the halting of that process and its relationship to this proposal is set out in Appendix A.
- 7.2 Demand for Catholic places in Whitby
The respondent stated that demand for Catholic places was high nationally and queried why this was not the case in Whitby. Demand for school places is down to parental preference and across Whitby there is a significant surplus of primary school places. As stated by the respondent there were a number of parents who did choose to send their children to St Hilda's but unfortunately the numbers were so low that the school is no longer sustainable. The Roman Catholic Diocese has supported the LA with the proposal. Given the availability of places at St Hedda's R.C Primary School, Egton Bridge, and the lack of significant demand for Catholic education within Whitby, this proposal is not considered to create a significant imbalance in denominational provision within the area and the impact on parental choice will be limited.

7.3 COVID has created a new situation that could allow the school to remain open
The respondent suggested the school should be kept open to support pupils' who have lost learning time due to the pandemic. At the current time there is no confirmation that additional provisions are going to be required to support pupils after the pandemic. The situation is therefore still the same that the school would only be able to stay open if it was able to be financially viable and there were a significant demand for places.

7.4 Commitment of St Hilda's Parishioners to the school
The respondent referred to the energy, enthusiasm and commitment of the local community and St Hilda's parishioners that was displayed at the consultation meeting held during the previous closure proposal in March 2020. The attendance at this meeting was high and strength of feeling that the school, governors and the community should be given more time to look at options was clear. However, as stated in 5.3, the previous closure proposal was halted and additional time to look at options was given. Additional parishioners joined the Governing Body and further consideration was given to options that could allow the school to remain sustainable, and none could be found. This was demonstrated by the Governing Body asking the Local Authority to consult on closure in September 2020.

8 FINANCIAL IMPLICATIONS

8.1 As set out in the report to Executive dated 12 January 2021, 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 revenue or capital balances would be made available to the receiving school(s) in line with the Closing School Accounting Policy. In this case there are unlikely to be any remaining balances to distribute.

8.2 If the school closed, the closure is not projected to have any significant impact on the Home to School Transport budget given the proximity of alternative schools.

9 LEGAL IMPLICATIONS

REGULATIONS AND GUIDANCE

9.1 The consideration and determination of school organisation proposals by the Local Authority is set out in Education & Inspections Act 2006, regulations and in guidance produced by the Department for Education.² 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.

9.3 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;

² See footnote 1.

- 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

9.4 In considering proposals for a school closure, the Executive, 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.

9.4 The relevant guidance for decision makers is attached to this report as Appendix D.

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 North Yorkshire County Council 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 and appendices to the Executive dated 12 January 2021 set out the key concerns. The latest position on these issues is summarised below.

11.2 PUPIL NUMBERS

St Hilda's is a 4-11 Roman Catholic (Voluntary Aided) Primary School and currently has two children on roll. The school is located in Whitby, the school does not have a discrete catchment area but traditionally offers a Catholic education to children in Whitby and the surrounding rural area. The number of children at St Hilda's Roman Catholic School has been falling gradually but has dropped more steeply since 2015/16:

2013/14 – 54

2014/15 – 51

2015/16 – 51

2016/17 – 46

2017/18 – 31

2018/19 – 28

2019/20 – 24

8 September 2020 – 19

1 October 2020 - 2

11.3 There are currently two pupils on roll in the school and this is not predicted to increase. The school is designed to accommodate up to 105 pupils.

11.4 FINANCIAL POSITION

Pupil numbers determine the school budget. With reducing pupil numbers, and a reduced budget, the finances are not sustainable. At the beginning of the 2020/21 academic year the school was projecting deficits in year of £39.6k in 2020/21, £53.4k in 2021/22 and

£30.7k in 2022/23, with a cumulative deficit of £144.7k at the end of the 2022/23 financial year. These projections were based on pupil number assumptions of 20 in Autumn 2020 and 26 in Autumn 2021. The pupils numbers have now fallen to two pupils on roll since the Governors requested that the Local Authority recommenced closure proposals. The financial outlook has significantly worsened in line with the fall in pupil numbers and there is therefore no prospect of financial recovery.

12 HUMAN RIGHTS IMPLICATIONS

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

13. OTHER IMPLICATIONS

13.1 An Equality Impact Assessment has been undertaken in respect of this proposal and was considered by the Executive on 21 January 2021. This assessment found adverse impact for those pupils as a result of religion and age. In relation to age it was a mixed impact with a benefit being found as moving to an alternative school increased opportunities to work and play with more children of their own age. Mitigations were found in relation to religion as the nearest Catholic Primary School is 7.4 miles away and the Trust / Diocese are making transport available to that school.

14 RECOMMENDATIONS

14.1 (a) That having undertaken the required preliminary checks, the Executive resolves that the issues listed above in paragraph 9.2 have been satisfied and there can be a determination of the proposals.

(b) That the following proposal be determined:

- To cease to maintain St Hilda's Roman Catholic (Voluntary Aided) Primary School, Whitby with effect from 9 April 2021.

Stuart Carlton
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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 Statutory Notice

Appendix D: School Organisation Guidance for Decision-makers

Background documents

Report, Executive, 12 January 2021.

Report, Corporate Directors meeting with Executive Members, 20 October 2020.