

NORTH YORKSHIRE COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBER

25 February 2025

**LOCAL AUTHORITY RESPONSE TO THE PROPOSED CLOSURE OF KIRKBY FLEETHAM CHURCH OF ENGLAND PRIMARY SCHOOL**

**1.0 PURPOSE OF REPORT**

- 1.1 This report follows an announcement made by the Dales Academies Trust of a proposal to close Kirkby Fleetham Church of England Primary School at the end of the summer term 2025. The school is identified as a rural academy. In accordance with the presumption against closure of rural academies, the Local Authority needs to agree to the closure. This report will seek the Local Authority's agreement to the proposed closure of the rural academy.

**2 EXECUTIVE SUMMARY**

- 2.1 The Secretary of State for Education has already made a substantive decision to close Kirkby Fleetham Church of England Primary Academy near Northallerton from the end of the summer term 2025 following a request from the Dales Academies Trust which manages the school.
- 2.2 Academy Trusts considering closure follow Departmental guidance entitled 'Closure of an academy by mutual agreement: Guidance for all types of academy trust (October 2024)' (the Guidance) under which the Secretary of State for Education is the decision maker. This is a different process to that for Local Authority maintained schools where North Yorkshire Council (through the Executive) is required to formally determine closure proposals.
- 2.3 As Kirkby Fleetham Church of England Primary Academy is designated as a rural academy, the guidance notes that both the DfE and the Council need to agree to the closure.
- 2.4 Kirkby Fleetham Church of England Primary Academy has retained its former catchment area (including a shared area with Applegarth Primary School, Northallerton) since the maintained school converted to an academy in 2017. The Executive Member is also asked to consider proposals for the future treatment of the school's catchment area from 1 September 2025.

**3 BACKGROUND**

- 3.1 Parents / carers and other stakeholders were informed on 16 January 2025 that the Dales Academies Trust had decided to propose to the Secretary of

State for Education, the closure of Kirkby Fleetham Church of England Primary School at the end of the summer term 2025, and that the Secretary of State had given their in-principal approval. The Trust's decision was driven by declining pupil numbers and financial challenges. Available data in relation to the number of pupils within the area of the school suggests there is no reasonable chance of numbers recovering. The Trust board resolved that the proposal was in the best interests of current and future pupils because numbers have fallen to a level where it is difficult to provide a high quality of educational experience for pupils in the long term.

3.2 Kirkby Fleetham existed as a standalone school with its own Headteacher until 2015 when it federated with East Cowton Church of England Primary School. The schools joined Dales Academies Trust in 2017. In 2019, when the Headteacher of the federation of Barton Church of England Primary School and Ravensworth Church of England Primary School secured a post outside the Trust, the opportunity was taken to trial a four-school model under a single headteacher. A year later, following a positive review, the decision was made to formally adopt the arrangement and to merge the local governing boards and the Cornerstone group of schools came into being. This comprises four Church of England Primary academies, all with rolls of less than 50 pupils, namely Barton, Ravensworth, East Cowton, and Kirkby Fleetham. All four schools have secured 'Good' Ofsted judgements.

3.3 Pupil numbers at Kirkby Fleetham have been low for a number of years:

	Pupil numbers (Census)							
	Oct 17	Oct 18	Oct 19	Oct 20	Oct 21	Oct 22	Oct 23	Oct 24
Total No. on roll	35	29	23	19	18	15	19	16

In 2022 no pupils joined Reception, six joined in 2023. In September 2024 three pupils joined Reception, and one joined Year 1. The roll as at 3 February 2025 and forecast roll in September 2025 are:

	Year group	No. of pupils		Year group	No. of pupils
Current roll (3 <sup>rd</sup> Feb)	N	2	Forecast roll (Sep 25)	N	0
	R	1		R	2
	1	5		1	1
	2	1		2	5
	3	0		3	1
	4	2		4	0
	5	0		5	2
6	2	6	0		
	Total	13		Total	11

Further details are provided in the Council's pupil forecast enclosed as Appendix 1 (please note historic pupil numbers in Appendix 1 are based on the May census rather than October census). The building has a net capacity of 63 pupils, so currently the school has 52 surplus places.

## 4 THE CLOSURE PROCESS FOR AN ACADEMY

### The overall process

- 4.1 Academy Trusts considering closure follow Departmental guidance entitled 'Closure of an academy by mutual agreement: Guidance for all types of academy trust (October 2024)' (the Guidance) under which the Secretary of State for Education is the decision maker. The process is managed by the Trust and the DfE. The guidance sets out a six-stage process:

Stage 1	Consideration of closure
Stage 2	Seeking in principle agreement
Stage 3	In principle decision
Stage 4	Seeking a substantive decision on closure
Stage 5	Substantive closure decision
	The Council was advised that a substantive decision to close the school was made on 29 January 2025
Stage 6	Approval and implementation of the closure plan

### Closure of Rural Academy

- 4.2 On rural schools the Guidance states:

*Both the department and the local authority need to agree to the closure of a rural academy, and where applicable, the trustees of the school and appropriate religious authority.*

*There is a presumption against the closure of rural primary academies. The presumption does not mean that a rural primary academy will never close, but it does mean that the case for closure should be strong and clearly in the best interests of educational provision in the area.*

- 4.3 When there was a previous proposal to close a rural primary academy in North Yorkshire, at Baldersby St James in 2021, officers sought clarification as to the process were the Council to object to the proposed closure of a rural primary academy. In that event, we would expect the DfE to want to understand why the Council held that view and further consider any information we provided. However, our understanding is that a Council objection would not necessarily indicate that the school would not close, as the Secretary of State is the ultimate decision maker for academies. We further understand that the same position would apply should the Council wish to defer or delay its response. The DfE would want to discuss why the Council had taken that stance, but this would not necessarily delay or halt the process.
- 4.4 The guidance states that when considering closure of a rural academy due regard should be given to:

- *alternatives to closure including joining a multi-academy trust;*
- *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 both parents and the local authority, of transport to other schools;*
- *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;*
- *whether the proposal will result in unreasonably long journey times;*
- *the proportion of pupils attending the school from within the local community, i.e. is the school 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; and*
- *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 to long term); and*
- *wider school organisation and capacity of schools with strong performance records in the area to accommodate displaced pupils.*

4.5 These points will be considered in Section 5 below.

4.6 In closure proposals for Local Authority maintained schools, both educational and financial viability have been to the forefront of considerations. This report will not comment on either aspect, as they are a matter for the Trust and DfE in this case.

## 5 RURAL SCHOOL CONSIDERATIONS

5.1 This section examines in turn each of the factors listed in the Guidance when considering closing a rural academy:

*Alternatives to closure including joining a multi-academy trust;*

*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;*

5.2 The school is already part of a multi-academy trust. The matter of extended school is one for the Trust and DfE to explore, however given the low pupil numbers at the school and within the school's catchment areas, as discussed below, it would seem unlikely that an extended school would be a viable alternative option to closure.

*The availability, and likely cost to both parents and the local authority, of transport to other schools;*

- 5.3 Home to school travel assistance would be provided for eligible pupils in accordance with the Council's home to school travel policy. Costs will depend on the individual choices of schools by parents and the circumstances of individual pupils. Primary-aged children in low-income families are eligible for assistance to schools that are over 2 miles from their home.

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;

- 5.4 It is challenging to ascertain the degree to which this proposal will cause an increase in journeys and mileage of those journeys. Some of the pupils that have attended the school historically will have travelled by car and this is particularly true for pupils attending from outside the catchment area. The nature of parental preference and the choice of method to get to school including taking account of any lift sharing is also difficult to account for. If all parents chose to send their children to schools further afield then this could increase CO2 emissions from transport associated with this cohort. However, it must also be acknowledged that maintaining a school itself has an impact on energy and carbon emissions and climate change. At present the school buildings are being heated and powered for a small number of pupils, which does not necessarily represent an efficient use of energy.

Whether the proposal will result in unreasonably long journey times;

- 5.5 Attendance at any of the neighbouring schools could be achieved without causing unreasonably long journey times. As a general guide, the government's maximum recommended travel time for primary age pupils is 45 minutes each way and the proposed catchment schools are considerably closer than that to the relevant settlements within the current catchment area. Distances to alternative local schools are listed below:

Primary School	Distance from Kirkby Fleetham CE School by shortest available walked route (miles)
Aiskew Leeming Bar CE	3.51
Leeming and Londonderry CP	4.12
Hackforth and Hornby CE*	4.38
Michael Syddall CE VA	4.57
Ainderby Steeple CE Primary	4.58
Applegarth Primary, Northallerton	8.4

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

- 5.6 In October 2024, 8 of the 16 pupils on roll lived in the catchment area of the school, and 8 travelled to attend the school from the catchment areas of Bedale CE, Hackforth and Hornby CE, and Michael Syddall CE Aided primary schools, and from the shared Applegarth and Kirkby Fleetham catchment area.

- 5.7 In October 2024, of the 16 primary-aged children resident in the school's catchment area attending a North Yorkshire primary school, 8 attended Kirkby Fleetham CE, and the others attended Hunton and Arrathorne CE, Broomfield, Brompton-on-Swale CE, and Hipswell CE primary schools. The 8 primary-aged children resident in the shared Applegarth and Kirkby Fleetham catchment area attended Kirkby Fleetham CE, Bedale CE, South Otterington CE, Bolton-on-Swale CE, and Burneston CE VA primary schools.
- 5.8 Therefore just over 50 per cent of the pupils attending the school came from within 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;*

- 5.9 It is acknowledged that there is inevitable sadness when a school which has been part of the local community for many years is proposed for closure. In some communities the school is the only meeting space for the community. Kirkby Fleetham has a Village Hall, which comprises a main hall seating 80, a library room seating 20, kitchen and food preparation facilities, accessible WC, parking and access. In terms of community use of the school, the Friends of the School use the school building for village litter picks which take place at the week-ends, about once a term. Otherwise, there is little current use by the community. Two years ago, a toddler group met at the school. Given the small number of community users of the school premises, and the alternative venues available locally, the potential impact of the loss of the school as a community venue should be minimal. The school building and site is not owned by the Council. Decisions about the disposal of the school site and buildings, together with considerations of future use, will be a matter for the Trustees and the site owners.
- 5.10 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 and that is the view of the Trust and DfE in this case.

*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 to long term); and wider school organisation and capacity of schools with strong performance records in the area to accommodate displaced pupils.*

- 5.11 The current school forecast for Kirkby Fleetham CE is provided at Appendix 1. The standard methodology predicts a constant intake of two new pupils each year.
- 5.12 The Council also has access to data identifying, by postcode, the numbers of primary-aged children registered at GP practices across the county. This is shown in yellow on the school forecast at Appendix 1. This data shows there is no increase in the volume of local pre-school age children when compared to the older cohorts.

5.13 There is some very limited new housing planned within the current school catchment area, however this is not likely to result in any significant increase in pupil numbers. There are 12 dwellings with planning approval yet to be delivered in the catchment area. Applying the standard pupil yield factor of one primary aged child for every four new dwellings would potentially result in an additional three children. However, there is uncertainty attached to this in terms of the timing of the construction, the actual yield that would result, and the future school preference for those children.

5.14 Even taking any growth from housing into account, the total pupil roll is expected to remain very low, and probably less than twenty, for the foreseeable future. Therefore there is no significant predicted demand for the school in the medium or long term.

5.15 The neighbouring school of Hackforth and Hornby Church of England Primary School is currently subject to a closure proposal by North Yorkshire Council. The Council's Executive agreed on 21 January 2025 that:

1) Statutory proposals and notices be published on 31 January 2025 proposing to cease to maintain Hackforth and Hornby Church of England VC Primary School with effect from 31 August 2025.

2) The proposals include that, in the event of closure, the catchment area currently served by Hackforth and Hornby Church of England VC School will be shared between Crakehall Church of England Primary School, Michael Syddall Church of England Aided Primary School, Aiskew Leeming Bar Church of England Primary School, Kirkby Fleetham Church of England Primary School, and Hunton and Arrathorne Community Primary School.

3) The Executive schedule taking a final decision on these proposals on 18 March 2025.

51.6 As set out in the table below, projected school numbers show that school place sufficiency can be maintained in the local area even allowing for the reduction in cumulative school capacity through the closure of both Kirkby Fleetham CE and Hackforth and Hornby CE primary schools.

School name	School Capacity	Pupil roll Oct 2024	Available space Oct 24	FCST 25/26	FCST 29/30	FCST 29/30 inc. housing	Projected Spaces available
Kirkby Fleetham CE	63	16	47 (now 52)	15	20	23	40
Ainderby Steeple CE	140	80	60	84	70	76	64
Aiskew Leeming Bar CE	103	43	60	41	34	72	31
Applegarth	280	256	24	251	221	245	35

Hackforth and Hornby CE*	42	12	<b>30</b>	0	0	0	<b>0*</b>
Michael Syddall CE Aided	240	177	<b>63</b>	166	138	151	<b>89</b>
<b>Total</b>	<b>805</b>	<b>568</b>	<b>237</b>	<b>542</b>	<b>463</b>	<b>545</b>	<b>219*</b>

\*Proposed to close 31 August 2025 so capacity excluded from projected spaces available.

5.17 The Ofsted ratings for the surrounding schools are:

- Ainderby Steeple Church of England Primary School – requires improvement (April 2023)
- Aiskew Leeming Bar Primary School – good (inspected June 2023)
- Applegarth Primary School – good (inspected September 2023)
- Hackforth and Hornby Church of England Primary School - good (inspected November 2022)
- Michael Syddall CE Aided Primary School – good (inspected October 2023)

From September 2024, Ofsted no longer makes an overall effectiveness judgement in inspections of state-funded schools.

5.18 Should Kirkby Fleetham CE close, displaced pupils could be accommodated within schools within the surrounding area. The majority of these are currently rated good by Ofsted.

## 6 CATCHMENT AREA PROPOSALS

6.1 The school is situated in Kirkby Fleetham. The school's discrete catchment area follows the boundaries of the civil parish of Kirkby Fleetham with Fencote and comprises the settlements of Kirkby Fleetham, Great Fencote and Little Fencote. To the north, there is a shared catchment area of Kirkby Fleetham and Applegarth Primary Schools which serves the parishes of Kiplin, Great Langton and Little Langton. The discrete catchment area for the school is also bordered by the catchment areas of Michael Syddall CE Aided Primary School (Catterick) and Ainderby Steeple Church of England Primary School to the east, Aiskew Leeming Bar Primary School to the south, and Hackforth and Hornby Church of England Primary School to the west. Please refer to the map at Appendix 2. The closest school to Kirkby Fleetham is Aiskew Leeming Bar CE Primary.

6.2 In closure processes for Local Authority maintained schools the future catchment area arrangements are subject to public consultation. However, in this case there has not yet been opportunity for consultation on this issue. Officers propose to hold a consultation exercise with stakeholders in the areas of the affected schools, now that the substantive decision on the closure has been made by the Secretary of State. Executive Member approval is therefore sought to undertake consultation on the proposals set out below.



- 6.3 Following the consultation, the catchment area proposals would be considered by a future Executive meeting, either as part of the annual report on Council admission arrangements, or as a specific paper. Proposals for academy schools would be considered by the relevant Trust Board. The Council and Trust Boards would then each separately apply for a specific variation to the published School Admission Arrangements for 2025/26 as set out in sections 3.6 and 3.7 of the School Admissions Code. The Council would be required to apply to the Schools Adjudicator, and the Trust to the Secretary of State.
- 6.4 The whole of the area served Kirkby Fleetham CE Primary Academy (including the shared catchment area) is in the secondary school catchment area for Northallerton School and Sixth Form and this would remain the same following closure.
- 6.5 It is proposed that:
- The shared catchment area of Applegarth and Kirkby Fleetham becomes a discrete catchment area for Applegarth Primary School.
  - The discrete catchment area of Kirkby Fleetham becomes a discrete catchment area for Aiskew Leeming Bar CE Primary School.

## **7 NEXT STEPS**

- 7.1 As noted in paragraph 4.1 above, the process has currently reached the stage of a substantive decision from the Secretary of State. The Trust is holding a listening period with parents and stakeholders. The guidance states that, 'The listening period is an opportunity for stakeholders and interested parties to be provided with information as to why the school is closing and how it is proposed the closure process will operate.'
- 7.2 During the listening period, the Council will work with the Trust to find alternative school places for pupils currently attending Kirkby Fleetham CE Primary School. The school will coordinate interim reviews for children with Education, Health and Care Plans to consider future suitable education provision, supported by the Local Authority.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 The key financial consideration for the Council is related to home to school travel. Following closure there could be a potential additional cost to the Council in providing transport to other schools, but as explained, this is difficult to estimate. Free of charge home to school transport would be provided for eligible pupils in accordance with the Council's published Home to School Travel policy.

## 9 LEGAL CONSIDERATIONS

9.1 The statutory guidance relevant to this proposal is:

- 'Closure of an academy by mutual agreement: Guidance for all types of academy trust (October 2024)'  
[https://assets.publishing.service.gov.uk/media/66fd1134a31f45a9c765efaa/Closure\\_of\\_an\\_academy\\_by\\_mutual\\_agreement\\_2024.pdf](https://assets.publishing.service.gov.uk/media/66fd1134a31f45a9c765efaa/Closure_of_an_academy_by_mutual_agreement_2024.pdf)
- School Admissions Code September 2021  
<https://www.gov.uk/government/publications/school-admissions-code--2>

## 10 RECOMMENDATIONS

10.1 To confirm that the Council's response to the Trust and DfE is that it agrees to the substantive decision by the Secretary of State to close Kirkby Fleetham CE Primary Academy.

10.2 To agree on a stakeholder consultation on catchment area proposals to be effective from September 2025 that:

i) The shared catchment area of Applegarth and Kirkby Fleetham becomes a discrete catchment area for Applegarth Primary School.

ii) The discrete catchment area of Kirkby Fleetham becomes a discrete catchment area for Aiskew Leeming Bar CE Primary School.

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### List of Appendices

Appendix 1: Kirkby Fleetham CE Primary Academy forecast

Appendix 2: School catchments map

### Background documents

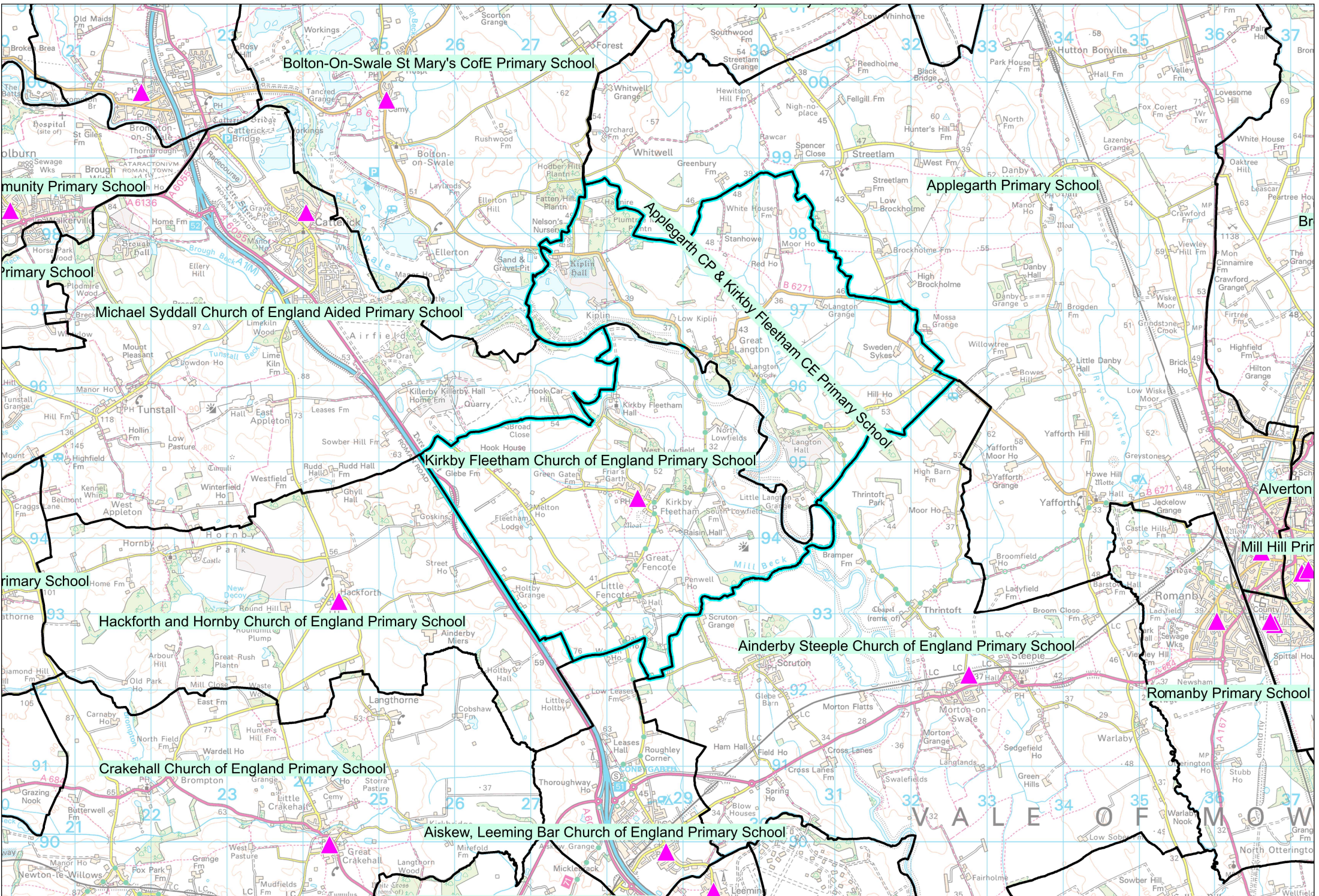
None

DfE Number	3065	Previous DfE No	0	School:	Kirkby Fleetham Church of England Primary School										Age Range	3 to 11					
		3	8	Academy Trust	Dales Academies Trust 01/11/17										PAN 24/25	9					
Migration	0	Migration Workings	0.11	Local area	Hambleton	Hambleton 005	Parliamentary Constituency	Richmond and Northallerton					Local MP	Rishi Sunak							
Live births % (3 yr ave)	0.41	Normal feeder secondary	NORTHALLERTON SCHOOL	Federated with						Urban/ Rural Name	(England/Wales) Rural village					SCAP Locality:	8151326	Northallerton Outer Area			
Net Capacity	63	Maximum Workplaces	81	Academy Funding Agreement	52	Diocesan Area: Church Schools only	Leeds Diocese (CE)					Strategic Planning Officer:		AAO		County Councillor/s	Annabel Susan Wilkinson				
Nursery age pupils currently attending school (p/t & f/t)	N1	0		Nursery age pupils attending from within catchment		Nursery age pupils attending from out catchment		Nursery age pupils attending other schools		OFSTED (GIAS)	11-02-2022	Good	Electoral Division	Morton-on-Swale & Appleton Wiske							
	N2						SI Senior Education Adviser							HR Senior Adviser							

School Year	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	
Live Births & forecast births - ONS	780	736	732	734	731	726	719	720	719	717	714	711	709	707	712	709	707	709	713	717	721	727	734	740	
% actual live births from District									0.13	0.00	0.82	0.41													
	GP Data as at Oct 2024										3	5	3	4	GP data includes shared area with Applegarth CP (2080)										
Reception	2	6	7	6	1	1	1	0	6	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
Year 1	5	2	5	7	6	0	1	1	0	7	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
Year 2	1	0	3	4	7	3	0	2	1	0	7	3	3	3	3	3	3	3	3	3	3	3	3	3	
Year 3	4	5	1	3	4	6	3	0	2	1	0	7	3	3	3	3	3	3	3	3	3	3	3	3	
Year 4	5	2	5	1	2	5	5	3	0	2	1	0	7	3	3	3	3	3	3	3	3	3	3	3	
Year 5	1	5	3	5	0	2	5	5	3	0	2	1	0	7	3	3	3	3	3	3	3	3	3	3	
Year 6	6	4	6	3	3	0	2	5	5	3	0	2	1	0	7	3	3	3	3	3	3	3	3	3	
Total		24	30	29	23	17	17	16	17	16	16	19	20	22	25	21	21	21	21	21	21	21	21	21	

Permissions last updated		2nd July 2024																						
Housing	Notes	Number																						
Permissions	5 yr build	12	3	Housing yield - Outstanding Permissions	1	1	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Forecast with outstanding permissions (rounded)					17	20	22	24	28	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24
Unapproved applications	7 yr build	0	0	Housing yield - Unapproved applications	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forecast with OP and Un Apps (rounded)						20	22	24	28	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24
Local Plan	15 yr build	0	0	Housing yield - Local Plan / current unapproved applications (rounded)					0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total	rounded	12	3	Total forecast inc. housing yield (rounded)		20	22	24	28	24	24	24	24	24	24	24	24	24	24	24	24	24	24	

PANs	R 25/26	9	Y2 23/24	9	Y4 21/22	9	Y6 19/20	9	North Yorks pupils (R to Y6) living within catchment *** (Oct 2024/25)	0	No. of pupils (R to Y6) from within catchment attending other schools (2024/25)	0	*** This may include a shared area
		Y1 24/25	9	Y3 22/23	9	Y5 20/21	9	Indicated Admission Number	9	Pupils (R to Y6) attending from within catchment (Oct 2024/25)	0	Pupils (R to Y6) attending above school from other school catchment areas**** (2024/25)	17



**Bolton-On-Swale St Mary's CofE Primary School**

**Community Primary School**

**Applegarth Primary School**

**Primary School**

**Michael Syddall Church of England Aided Primary School**

**Applegarth CP & Kirby Fleetham CE Primary School**

**Kirby Fleetham Church of England Primary School**

**Alverton**

**Primary School**

**Mill Hill Pri**

**Hackforth and Hornby Church of England Primary School**

**Ainderby Steeple Church of England Primary School**

**Romanby Primary School**

**Crakehall Church of England Primary School**

**Aiskew, Leeming Bar Church of England Primary School**