

NORTH YORKSHIRE COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS

18 March 2025

PROPOSAL TO CEASE TO MAINTAIN HACKFORTH AND HORNBY CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL

1.0 PURPOSE OF THE REPORT

- 1.1 To provide the Executive Member with information upon which to determine the proposal to cease to maintain Hackforth and Hornby Church of England Voluntary Controlled Primary School with effect from 31 August 2025, together with the future arrangements for the School's current catchment area.

2.0 EXECUTIVE SUMMARY

- 2.1 This report provides information about the response to the publication of statutory proposals to close Hackforth and Hornby Church of England Voluntary Controlled School with effect from 31 August 2025.
- 2.2 The report recommends that the following proposal should be determined: -
- i) To cease to maintain Hackforth and Hornby Church of England VC Primary School with effect from 31 August 2025.
 - ii) To approve, with a modification, the future arrangements for the School's current catchment area, by removing Kirkby Fleetham Primary Academy from the future catchment area, so that:-

from 31 August 2025 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, and Hunton and Arrathorne Community Primary School. It is proposed that the catchment areas of these schools should each be extended to include the current Hackforth and Hornby catchment area, as a shared catchment area.

- 2.3 The report is supported by several appendices as listed below: -

- Appendix A: Statutory Proposals
- Appendix B: Statutory Notice
- Appendix C: Equalities Impact Assessment
- Appendix D: Climate Change Impact Assessment

3.0 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 boards proposing to close schools, and to Local Authorities (including the Council's Executive and Executive Members) acting as decision-makers.
- 3.2 At the meeting on 5 November 2024 the Executive Member approved a recommendation that consultation should be undertaken on a proposal that the Council should close Hackforth and Hornby Church of England Voluntary Controlled Primary School from 31 August 2025. A consultation about the proposal was subsequently undertaken during the period 11 November to 20 December 2024.
- 3.3 At its meeting on 21 January 2025 the Executive considered a further report in respect of the proposal to close Hackforth and Hornby Church of England Voluntary Controlled School, and which included a consideration of all of the responses to the proposal that were received during the consultation period. The Executive approved a recommendation that statutory proposals be published to close the School with effect from 31 August 2025.
- 3.4 The statutory proposals were published on 31 January 2025, giving 4 weeks until 28 February 2025 for representations to be made.
- 3.5 The statutory proposals that were published proposed that: -
- The Council should cease to maintain Hackforth and Hornby Church of England Voluntary Controlled School with effect from 31 August 2025; and
 - In the event of closure, the catchment area currently served by Hackforth and Hornby Church of England VC School would 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. It was proposed that the catchment areas of these schools should each be extended to include the current Hackforth and Hornby catchment area, as a shared catchment area. These arrangements would be implemented from September 2025 only in the event of closure for Hackforth and Hornby.

¹ School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education statutory guidance Opening and closing maintained schools and Guidance for decision makers January 2023.

The full statutory proposal is attached at Appendix A and includes details about pupil numbers, alternative schools, impact on the community and travel implications.

- 3.6 The statutory proposals and public notices were published on 31 January 2025. The public notice, placed on the school gates and in the Darlington and Stockton Times newspaper, invited written objections or comments to be submitted by 28 February 2025. 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.

4.0 SUBSTANTIVE DECISION TO CLOSE KIRKBY FLEETHAM CHURCH OF ENGLAND PRIMARY SCHOOL

- 4.1 On 29 January 2025 the Secretary of State made a substantive decision to close Kirkby Fleetham CE Primary Academy with effect from 31 August 2025. This decision was taken in accordance with the DfE's process for the closure of academies, as set out in the guidance, 'Closure of an academy by mutual agreement', October 2024.
- 4.2 A report on the closure of Kirkby Fleetham CE Primary Academy was brought to the Executive Member for Education, Learning and Skills on 25 February, and the following decision was made:-

The Council notes the Substantive Closure Decision taken by the Secretary of State on 29th January 2025 under the DfE's "Closure of an academy by mutual agreement" guidance dated October 2024.

The Council does not oppose the decision already taken by the Secretary of State on the 29 January 2025 to close Kirkby Fleetham Primary School. 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.

5.0 ISSUES RAISED IN RESPONSE TO THE STATUTORY PROPOSALS

- 5.1 Following the publication of the statutory notices the Council received no objections to the proposal.
- 5.2 A response to the consultation was received from the Chair of the Governing Board of Hackforth and Hornby Church of England Voluntary Controlled Primary School, noting that the substantive decision in respect of the closure of Kirkby Fleetham Church of England Primary School had been made and the impact upon the proposal for the catchment area currently served by

Hackforth and Hornby Church of England Voluntary Controlled Primary School.

Given the announcement of the substantive closure decision for Kirkby Fleetham Church of England Primary Academy, and the Chair of Governors response to the statutory proposals, the recommendations within this report now include a modification to remove Kirkby Fleetham Church of England Primary School from the future arrangements for Hackforth and Hornby CE VC Primary School's catchment area. This is set out below in Section 12.1 b(ii).

6.0 FINANCIAL IMPLICATIONS

6.1 As set out in the report to Executive dated 21 January, 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.

6.2 Transport costs

If the school closed, there could be a potential additional cost to the Council in providing transport to other schools. Home to school travel assistance would be provided for eligible pupils in accordance with the Council's Home to School transport policy. Costs will depend on the individual choices of schools by parents and may also depend on the circumstances of individual pupils.

7.0 LEGAL IMPLICATIONS

REGULATIONS AND GUIDANCE

7.1 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.² Careful regard has been had to these provisions.

PRELIMINARY CHECKS

7.2 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:-

² 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;
- the preliminary points for consideration have been dealt with sufficiently to permit the Executive or Executive Members to proceed to determine this proposal; and
- the proposals for the future catchment area can be modified within the context of the Secretary of State's substantive decision to close Kirkby Fleetham Church of England Primary School.

TYPES OF DECISION THAT CAN BE MADE

7.3 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.

8.0 PROCEDURE FOR THE MEETING

8.1 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 Council Constitution.

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

9.0 REASONS FOR THE RECOMMENDATION.

9.1 The consultation document and the report to Executive Members on 5 November 2024 set out the key concerns. These concerns were explored in further detail in the report taken to the Executive Committee on 21 January 2025. The latest position on these issues is summarised below.

Pupil Numbers

9.2 The number on roll has fallen since 2017. The school has a net capacity of 42 spaces. As of March 2025, there are 8 children on roll in the school and they are all Junior age. Forecasts indicate that these numbers will not recover significantly in the longer term.

Year Group	Number on Roll
Reception	0
Year 1	0
Year 2	0
Year 3	1
Year 4	1
Year 5	3
Year 6	3
Total	8

9.3 Finances

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. The pupil numbers for the October 2024 census form the basis of a school's funding for the 2025/26 financial year and the school is projecting an in-year deficit of £58,500 and cumulative deficit of £81,600 in 2025/26. These figures could deteriorate further and there appears to be no reasonable long-term prospect of recovery for the revenue element of the budget given the very low numbers of Reception age children for 2025/26 and 26/27 intakes living with the catchment area.

9.4 Quality of Curriculum Experience

The most recent full graded Ofsted inspection for Hackforth and Hornby CE VC Primary School was in November 2022. Ofsted recorded 12 pupils on roll at the time of their inspection and their overall judgement was Good.

However, as numbers fall, the Governing Board and the Local Authority have become increasingly concerned that pupils will not have access to the full range of experiences they need, particularly opportunities for working and playing with children their own age. At present, if any Reception pupils were to apply to join Hackforth and Hornby CE VC School there is no realistic prospect of them being able to benefit from a full and balanced school experience in the absence of any peers.

9.5 Conclusion

The public consultation, including the public meeting, provided a forum for people to express their views and respondents were pragmatic about the fundamental issue of very low numbers and its impact on the financial and educational viability of the school. The consultation process failed to identify a viable alternative option that would secure the school's future. It appears unlikely that such an option could be identified in future. This report has noted that no objections to the proposal were received during the period of the statutory notice.

Local Authority Officers have concluded that closure of the school would be in the best interests of the children at the school and the future education of pupils in the area. There are places available at other local schools that are within a

reasonable travel distance. It is therefore the view that there is a strong case for closure which outweighs other considerations.

10.0 HUMAN RIGHTS IMPLICATIONS

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

11.0 OTHER IMPLICATIONS

11.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached as Appendix C. 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 Whilst there may be adverse impacts upon those with protected characteristics of age and religion/belief, there are more positive impacts that will result if these proposals are implemented.'

11.2 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 ... ceasing to be used. However, there is likely to be a negative impact associated with some increased use of vehicles to transport the pupils toschool. 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.'

12 RECOMMENDATIONS

12.1 (a) That having undertaken the required preliminary checks, the Executive Member resolves that the issues listed above in section 7.2 have been satisfied and there can be a determination of the proposals.

(b) That the following proposal be determined:

i) To cease to maintain Hackforth and Hornby Church of England VC Primary School with effect from 31 August 2025.

ii) To approve, with a modification, the future arrangements for the School's current catchment area, by removing Kirkby Fleetham Primary Academy from the future catchment area, so that:-

from 31 August 2025 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, and Hunton and Arrathorne Community

Primary School. It is proposed that the catchment areas of these schools should each be extended to include the current Hackforth and Hornby catchment area, as a shared catchment area.

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

Report prepared by: Mark Ashton - Strategic Planning Officer.

List of Appendices

- Appendix A: Statutory Proposals
- Appendix B: Statutory Notice
- Appendix C: Equalities Impact Assessment
- Appendix D: Climate Change Impact Assessment

Background documents

- Report to Executive Member, 28 February 2025 (closure of Kirkby Fleetham CE Primary Academy).
- Report to Executive, 21 January 2025, (proposed closure of Hackforth and Hornby CE Primary)
- Report to Executive Member, 5 November 2024 (proposed closure of Hackforth and Hornby CE Primary)