

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 County Council, County Hall, Northallerton, DL7 8AE, to discontinue:

Kell Bank Church of England Voluntary Controlled Primary School, Healey, Masham Ripon, HG4 4LH, from 31 August 2021.

Kell Bank Church of England Voluntary Controlled 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 August 2021.

Reason for closure

There are three key concerns: 1) Low pupil numbers, 2) Breadth of curriculum, 3) The schools financial position

Low pupil numbers

The critical concern is the fall in pupil numbers, which would inevitably result in an inability to provide the necessary breadth of curriculum experience and would also irrevocably undermine the schools future financial position.

The number of children at Kell Bank CE VC Primary School has been falling over the past few years. At the beginning of September 2019, there were 15 pupils on roll in the school. This was well below the capacity of the school which could accommodate around 50 pupils. The Governing Body and Friends of the School have been active in their collective efforts to raise numbers at the school through many initiatives over recent years. However, since the start of this academic year there has been a further fall in numbers and in September 2020 the school had 6 pupils remaining on roll.

In these circumstances, it would be difficult to sustain quality education.

Breadth of Curriculum

This proposal is not being brought forward due to any concerns to this point about educational standards. However, the small size of the school and the very small number of pupils in each year group will limit the range of personal and academic

challenges for pupils including opportunities for child-initiated play and interaction in early years. This is particularly the case now with only 6 pupils in total at the school, comprising two pupils in each of three year groups: Year 1 (2 pupils), Year 2 (2 pupils) and Year 6 (2 pupils).

The Ofsted Education Inspection Framework, introduced in September 2019, places significant weight on curriculum provision. Delivering a curriculum that has ‘breadth and ambition’ is a particular challenge for a very small school. For example, the National Curriculum for PE states that “pupils should be taught to play competitive games (for example, cricket, football, hockey, netball, rounders)”. With a pupil count of 6 (ranging in age from 5 to 11) it is very difficult for the school to provide meaningful opportunities for competitive sport.

The Financial Position

Pupil numbers determine the school budget. There are currently 6 pupils on the school roll. With these low numbers, and a reduced budget, the school would have to reduce staff. The school has projected in-year deficits of £17.7k in the financial year 2020/21, £17.5k in 2021/22 and £30k in 2022/23, and cumulative deficits of £2k in 2020/21, £19.5k in 2021/22 and £49.5k in 2022/23. These were based on pupil number assumptions of 16 in 2020/21 and 13 in 2021/22, so the position will be significantly worse now that pupil numbers have fallen and there appears to be no reasonable prospect of recovery.

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.

There are currently 6 pupils on roll at the school as of October 2020, all of which are pupils of compulsory school age. 5 of these 6 pupils are female, and 1 pupil is male.

	Pupil numbers	PAN
Reception	0	5
Year 1	2	5
Year 2	2	5
Year 3	0	5
Year 4	0	5
Year 5	0	5
Year 6	2	5
Totals	6	

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 this would contravene the Data Protection Act. Total pupil numbers are significantly lower than the capacity of the school which is designed to accommodate around 50 pupils.

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 7 other North Yorkshire primary schools within reasonable travelling distance with places available currently. Across the area there are places available for all the pupils currently at Kell Bank CE VC School.

The nearest school to Kell Bank CE Primary School is Masham CE Primary School. Masham School has reached its published admission number in some year groups, although there is capacity in others. There is currently capacity in some year groups at Grewelthorpe CE, which is the next nearest school. All applications will be dealt with on an individual basis and the Admissions Team will have discussions with appropriate Headteacher to see if the school are in a position to admit additional pupils in that year group.

There are also places available at St Nicholas, West Tanfield CE, Thornton Watlass CE, Kirkby Malzeard CE, Snape CP, Fountains Earth Lofthouse CE. These schools were all judged 'Good' in their last Ofsted.

It is also proposed that the catchment area of Masham CE VA Primary School would, in the event of closure, be extended to include the current Kell Bank School catchment area. For any children currently at Kell Bank CE VC, North Yorkshire County Council would work with each family to try to meet their individual preferences for other schools.

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 schools, the 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
- c) This is a mainstream school, and therefore, not a special school that is reserved for providing to pupils 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. Fearby Village Hall at Fearby which has capacity for 100 is situated 0.3 miles from Kell Bank School. The Hall is a valuable resource for Fearby and its surrounding villages (Healey, Ilton, Ellingstring, Warthermarske) and hosts a wide variety of events and activities. It has a large modern well-equipped kitchen and free off road parking for around 40 vehicles.

St Paul's in the village of Healey, is the local church situated (0.2 miles from Kell Bank School). The children of the parish attend Sunday School on the 3rd Sunday of the month joining the morning service in time for communion. As well as regular services the parishioners of St Paul's are active in the local community; each year have a number of Coffee Mornings, a Domino Drive, Barbeque, Harvest Lunch, and Christmas Carols in the local pub 'The Black Swan at Fearby'.

There is no early years unit at Kell Bank CE VC School.

The Diocese have confirmed that the school site, other than the playing field, is vested in the Diocesan Board of Finance. The playing field is owned by the County Council. Decisions about the future use of the school site and buildings will be taken by the owners after the closure proposal has been determined.

There is unlikely to be any significant new housing in the settlements of Fearby and Healey as they are not Designated Service Villages within the Harrogate District Local Plan.

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.

Kell Bank 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

There are currently 6 pupils on roll at the school three of which reside within the Kell Bank School catchment area.

There are 11 primary aged children who reside in the Kell Bank CE catchment area who attend a North Yorkshire maintained school (October 2019 Census, Department of Education).

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. Free home to school transport would be provided for entitled pupils within the enlarged catchment area in accordance with the County Council's Home to School Transport policy. The County Council's 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 set out by law. This is:

- 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 authority's transport policy, to the nearest school with places available. In this case, it is estimated that there would be additional home to school transport costs in the range of approximately £40 per day, dependant on the pattern of parental preference to alternative schools, and the mix of transport provision that would be required.

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 County Council's website at <http://www.northyorks.gov.uk/article/26071/School---travel-support>

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 7 primary schools within 7.9 miles of Kell Bank School by road:

- Masham CE VC
- Grewelthorpe CE
- St Nicolas, West Tanfield CE VC
- Thornton Watless CE VC
- Kirby Malzeard CE VC
- Snape Community
- Fountains Earth Lofthouse CE Endowed

Masham CE VA Primary School

- 2.8 miles from Kell Bank by road
- Rated Good by Ofsted in July 2019
- Net Capacity 116
- 121 pupils on roll
- Forecast 119 pupils + 17 from housing by 2025/26 (Outstanding permissions)

Grewelthorpe CE VC Primary School

- 5.8 miles from Kell Bank by road
- Rated Good by Ofsted in March 2017
- Net capacity 70
- pupils currently on roll 75
- Forecast 56 pupils + 1 from housing by 2025/26 (Outstanding permissions)

St Nicholas West Tanfield CE VC (Federated with Kirby Malzeard)

- 6.1 miles from Kell Bank by road
- Rated Good by Ofsted in March 2019
- Net capacity 70

- 36 pupils currently on roll
- Forecast 28 pupils + 12 from housing by 2025/26 (Outstanding permissions)

Thornton Watlass CE VC (Federated with Snape)

- 6.7 miles from Kell Bank by road
- Rated Good by Ofsted in November 2017
- Net capacity 51
- 27 pupils currently on roll
- Forecast 20 pupils + 1 from housing by 2025/26 (Outstanding permissions)

Kirby Malzeard CE VC (Federated with St Nicholas, West Tanfield)

- 7.2 miles from Kell Bank by road
- Rated Good by Ofsted in March 2018
- Net capacity 105
- 85 pupils currently on roll
- Forecast 79 pupils + 13 from housing by 2025/26 (Outstanding permissions)

Snape Community School

- 7.5 miles from Kell Bank by road
- Rated Good by Ofsted in May 2018
- Net capacity 52
- 24 pupils currently on roll
- Forecast 27 pupils + 1 from housing by 2025/26 (Outstanding permissions)

Fountains Earth Lofthouse CE Endowed

- 7.9 miles from Kell Bank by road
- Rated Good by Ofsted in April 2017
- Net capacity 42
- 16 pupils currently on roll
- Forecast 13 pupils + 2 from housing by 2025/26 (Outstanding permissions)

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 County 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 fundamental issues of low numbers, breadth of curriculum and financial sustainability remain.

The school has worked collaboratively with the Federation of Snape Community and Thornton Watlass CE Primary Schools since 2015. All three schools share the same Executive Headteacher, although Kell Bank has not formally federated with the other two schools and retains a separate governing body. The three schools maximise available opportunities to bring together pupils to share activities and learning opportunities.

To date, no other school has come forward that would be prepared to federate with Kell Bank CE. Federation is a decision for individual school governing bodies and cannot be imposed by the County Council. Whilst collaboration between schools can enrich children's educational experiences to some extent and lead to sharing of resources or services it cannot guarantee the security of a school, which has reached a critical level in terms of pupil numbers and associated budget deficits, without other forms of support or intervention.

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.

Kell Bank 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, 2.8 miles from Kell Bank CE VC is Masham CE VA Primary School.
- There is also a Church of England school at Grewelthorpe CE VC Primary School which is 5.8 miles away.

The next nearest Church of England schools are at:

- St Nicholas West Tanfield, CE VC 6.1 miles from Kell Bank CE
- Thornton Watlass CE, VC, 6.7 miles from Kell Bank CE
- Kirkby Malzeard CE VC, 7.2 miles from Kell Bank CE, Fountains Earth Lofthouse CE Endowed, 7.9 miles from Kell Bank CE.

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 Kell Bank 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 County 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.

Parents were, and will be, reminded of the County Council's home to school transport policy when considering alternative schools. Pupils up to the age of 8 would normally be eligible for free home to school transport if they live more than 2 miles from their normal area 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 County 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 Kell Bank CE VC Primary School catchment area would depend on which other school they attended and their home address. The nearest schools are:

Masham CE VA (2.8 miles from Kell Bank CE School, approximate travel time 7 minutes away, Grewelthorpe CE VC (5.8 miles away, approximate travel time 13 minutes away). Some year groups in both these schools have reached their published admission numbers, although there is capacity in other year groups.

St Nicholas West Tanfield CE, Thornton Watlass CE, Kirkby Malzeard CE, Snape CP, Fountains Earth Lofthouse CE are all well below the maximum travel time of 45 minutes for primary-aged pupils. Pupils would be eligible for travel arrangements from NYCC in line with the transport policy.

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 County Council, County Hall, Northallerton, DL7 8AE, or by email to schoolorganisation@northyorks.gov.uk by 5 March 2021

Consultation

The decision to consult on closure was taken by the Executive Member for Schools on 20 October 2020 following a request from governors. A consultation paper setting out the proposal was sent to parents of pupils on roll, staff at the school as well as other interested parties and individuals. A copy of the consultation paper and a list of the consultees is included in Appendix 3. The consultation period ran from 2 November 2020 to 21 December 2020. Two virtual public meetings were held online on 17 November 2020 and 2 December 2020, notes of the meetings are attached as Appendix 4. There have been 12 consultation responses received (Appendix 5).

Appendices

- Appendix 1b: Statutory Notice**
- Appendix 2: Consultation Paper**
- Appendix 3: List of the Consultees**
- Appendix 4: Notes of the Public Meetings**
- Appendix 5: Consultation Responses**
- Appendix 6: Equality Impact Assessment**
- Appendix 7: Pupil Forecast**