

Report to the Cabinet Member for Children and Schools

Report submitted by: Executive Director for Children and Young People

Date 11 January 2013

Part I

Electoral Division affected: Wyreside
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Out Rawcliffe Church of England Primary School

(Appendices 'A' to 'D' refer)

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Executive Summary

This report aims to provide sufficient information on:

- the proposal to close Out Rawcliffe Church of England Primary School with effect from 31 August 2013;
- factors that the Decision Maker must take into consideration when determining the proposal and commentary on how the proposal addresses these factors; and
- the responses received during the statutory notice period

in order for the Decision Maker to make a determination in respect of the proposal.

In the early months of 2012, local authority officers and officers representing Blackburn Diocese discussed the future of Out Rawcliffe CE Primary School with the school's governing body. The discussions arose as a result of concerns about the school's educational and financial viability due to rapidly declining pupil numbers and budgetary difficulties. After considering the feasibility of continuing as at present; collaborating or federating with another school; or consulting on the future of the school, on 22 March 2012 the governing body agreed to pursue the latter option.

On 8 May 2012, Cabinet Member for Children and Schools agreed to stage 1 consultation on a proposal to close Out Rawcliffe CE Primary School with effect from 31 August 2013.

Between 14 May 2012 and 20 July 2012 the authority consulted on a proposal to close Out Rawcliffe Church of England Primary School with effect from 31 August 2013. After considering the consultation outcome and agreeing (on 27 September 2102) to proceed with the proposal, the authority published a statutory notice on 8 October 2012. In accordance with the statutory process for school discontinuance proposals, the notice invited representations (objections or comments) within the statutory six week notice period, i.e. from 8 October 2012 to 19 November 2012.

Under the statutory school discontinuance procedure, a decision should now be taken about the proposal. If the authority fails to decide the proposal within two months from the end of the representation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for decision.

The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children and Schools.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Recommendation

The Cabinet Member for Children and Schools is recommended to:

- (i) consider the information in this report;
- (ii) approve (determine) the proposal as detailed in the statutory notice: to discontinue Out Rawcliffe Church of England Primary School on 31 August

2013; and

- (iii) approve that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

Background and Advice

After the authority's publication of a statutory notice on 8th October 2012 and expiry on 19 November 2012 of the six week statutory period for representations to be made about the proposal, the authority is now at stage 4 of the 5 stage statutory process. This is summarised below:

Action	Timescale
Stage 1 consultation on the proposal referred to above.	14 May 2012 to 20 July 2012
Publish statutory notices	8 October 2012
Representation	8 October 2012 to 19 November 2012 (6 weeks)
Decision	11 January 2013
Implementation (if the decision is to approve the proposal)	31 August 2013

Full details of the school discontinuance proposals to be considered are in Appendix 'A'. The information contains the published notice and complete proposal.

Checks on receipt of Statutory Proposals

Before judging the merits of a statutory proposal, DFE Guidance 'Closing a Maintained Mainstream School, a Guide for Local Authorities and Governing Bodies' advises that there are four key issues which the Decision Maker should consider:

- Is any information missing?
- Does the published notice comply with statutory requirements?
- Has statutory consultation been carried out prior to the publication of the notice?
- Are the proposals 'related' to other published proposals (and should therefore be considered together)?

There is no information missing. The information is provided in the published notice and complete proposal at Appendix 'A'.

The published notice complies with statutory requirements.

Statutory consultation was carried out prior to the publication of the notice. Cabinet report dated 27 September 2012 provides details of the stage 1 consultation and responses received.

The proposal is not 'related' to any other published proposals.

Representations

By the close of the representation period on 19th November 2012, the local authority had received four written representations: two joint responses from the associate headteacher and chair of governors of Out Rawcliffe CE Primary, on behalf of the governing body, and two individual objections as follows:

Joint responses

The associate headteacher and chair of governors responded on behalf of the governing body to state that the relevant documentation regarding their representations was already with the local authority (at stage 1 consultation) and they had nothing significant to add. A separate letter was later received from the same individuals, on behalf of the governing body, stating that the associate headteacher would be willing to take on a collaborative headship at Out Rawcliffe CE Primary School on a permanent basis and outlining a plan for dealing with the budget deficit at the school.

Individual objections

The two individual objections, one from a local resident, and one from a former governor of the school who is also a local resident and former local GP, cited the following reasons against closure:

- The school has played an important role in educating children of the parish successfully since it was founded in 1847;
- It is vital that primary education is provided in the parish – close to home within their own supportive community;
- Rural areas need village schools in order to prosper and the school enables children to connect with rural life;
- Up until the last four years the school has had an outstanding record including a succession of glowing OFSTED reports;
- The population of Britain is growing;
- The school building is designed to a very high standard;
- The governing body should be given the professional help they need to resolve the issues at the school that have led to the fall in pupil numbers;
- The community values the school and it is essential for community cohesion.

Comments

The Decision Maker (in this case the Cabinet Member for Children and Schools) took into account the views of respondents during the stage 1 consultation process when making the decision to progress to the next stage in the process (the publication of statutory notices). The Decision Maker is required, at this stage, to take account of statutory objections and comments made during the representation period.

Officers responded to the second letter from the associate headteacher and chair of governors to say that, in order for the Decision Maker to fully consider the outlined

plan and make an informed decision on the statutory proposal, the following was required:

- Written confirmation from the governing bodies of both schools that they are committed to enter into a hard federation;
- An indication of a strategy around the delivery of education to pupils in both schools, given the significant distance between the schools; and
- Information on how a hard federation would address the financial situation it would inherit as a result of the budget deficit at Out Rawcliffe CE.

Correspondence was received by the authority on 6th December 2012 from the Chairs of Governors of Out Rawcliffe CE Primary School and Melling St Wilfrid's CE Primary School confirming that the schools had agreed to enter into a soft federation and further information on a strategy for dealing with the budget deficit was provided. This information is provided at Appendix 'B'.

Comments in relation to the points made during and after the representation period are covered in the information in the next section 'Factors that the Decision Maker must take into consideration when determining the proposal'.

All responses received have been placed on a file available in the Members' Retiring Room. All consultation responses are available for public inspection through Lancashire County Council Pupil Places and Access Service (Telephone 01772 531957).

Factors that the Decision Maker must take into consideration when determining the proposal

Local Authorities are under a duty to deliver excellence and equity in the school system and to create a school system shaped by parents. Central Government expects that weak schools should be closed and that the best schools are able to expand.

The Education and Inspections Act 2006, and Regulations made thereunder, provide that Decision Makers must have regard to guidance issued by the Secretary of State when taking a decision on closure proposals. Department for Education guidance 'Closing a Maintained Mainstream School' provides the following statutory guidance.

Standards

Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision and will lead to improved attainment for children and young people.

Comment

Out Rawcliffe CE Primary School was inspected in January 2012 and was judged to be satisfactory in all areas (achievement of pupils, quality of teaching and leadership and management) apart from one area (behaviour and safety of pupils) which was

judged to be good. The school's overall effectiveness rating was satisfactory. A satisfactory judgement means that features are of a reasonable quality and the school is providing adequately for its pupils.

Should the closure proposal be approved, pupils at Out Rawcliffe CE can access available places at neighbouring schools (the section on Provision for Displaced Pupils provides more information). Standards of education at schools neighbouring Out Rawcliffe CE as judged by the most recent Ofsted reports, are either good or outstanding as follows:

Great Eccleston Copp CE - Good
 St Mary's Catholic - Good
 Stalmine Primary - Good
 Nateby Primary - Outstanding
 St Williams Catholic - Good
 Hambleton Academy -Outstanding

Provision for Displaced Pupils

The Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The quality and popularity of these schools should also be considered.

Comment

Pupil numbers on roll (NOR); published admission numbers (PAN); and the physical capacity of Out Rawcliffe CE and neighbouring schools are listed below:

School	PAN	NOR (Autumn 2012 School Census)								Capacity
		Rec	Y1	Y2	Y3	Y4	Y5	Y6	Total	
Out Rawcliffe CE	10	1	1	2	2	2	3	0	11	70
Gt Eccleston Copp CE	30	23	19	19	20	27	15	13	136	205
St Mary's Catholic	15	8	7	5	8	3	6	5	42	90
Stalmine	15	15	11	12	11	9	7	10	75	105
Nateby	13	11	5	9	6	8	8	4	51	90
St Williams Catholic	15	6	5	4	3	9	3	8	38	90
Hambleton	30	34	30	29	30	31	23	24	201	177

Since the Census return was completed Out Rawcliffe CE has lost one pupil, reducing the total number on roll to 10.

The above information demonstrates that there are enough available places at Great Eccleston Copp CE (one of the closest schools to Out Rawcliffe CE) to admit all of the current pupils at Out Rawcliffe CE if they chose to apply there. However, there are sufficient places available at other schools to provide parents with an element of choice in alternative provision.

The Cabinet report dated 27th September 2012 demonstrated that the births in the area associated with children in the current Reception year are higher than for the following two years (the 2013 and 2014 Reception intakes) and the forecast 2015 intake is only slightly higher. In addition, there are currently no known plans for significant amounts of new housing in the area. Even with 10 fewer primary school places per year, there are more than sufficient school places in the area for the foreseeable future.

Surplus Places

The Decision Maker should normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places, and at least 30 surplus places.

Comment

There are 60 unfilled places at Out Rawcliffe CE, amounting to 86% surplus places.

Diversity

The Decision Maker should consider how proposals will impact on local diversity by considering the range of schools in the area and how the closure of the school will impact on the aspirations of parents, help raise local standards and narrow attainment gaps.

Comment

There are six schools within four miles of Out Rawcliffe CE that offer parents a choice of provision should Out Rawcliffe CE close. There are two community; one Church of England; and two Catholic schools that are maintained by Lancashire County Council and one Academy school. All have higher standards of education than Out Rawcliffe CE, as assessed by Ofsted.

Balance of Denominational Provision

The Decision Maker should not normally approve the closure of a faith school where the proposal would result in a reduction in the proportion of denominational places in the area. However, this guidance does not apply where the school is severely under-subscribed.

Comment

Out Rawcliffe CE is severely under-subscribed with an admission number of 10 and one child in each of years Reception and Y1, and 86% surplus places overall. The proposed closure is supported by the Blackburn Church of England Diocese.

Impact on Community

Where schools are a focal point for family and community activity, providing extended services for a range of users, the Decision Maker should consider the effects of closure on families and the community, including consideration of alternative venues for the delivery of extended services.

Comment

Prior to and throughout the stage 1 consultation period and the representation period no evidence has been provided as to what extended activities the school actually provides for families or the local community. The school was investigating the establishment of a nursery / forest school during stage 1 consultation but no further information on this possible development has since been provided.

Travel and Accessibility for all

The Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs or result in too many children being prevented from travelling sustainably.

Comment

Out Rawcliffe CE is located in a sparsely populated area and some of the pupils already receive assistance with school transport. The closest alternative schools, as measured by walking distances are St Mary's Catholic, Great Eccleston at 2.28 miles away and Great Eccleston Copp CE at 2.77 miles distant. Other schools such as Hambleton Academy, Nateby Primary, St Williams Catholic Primary and Stalmine Primary are all within 4 miles of the school and may present reasonable alternatives for some pupils currently at Out Rawcliffe CE but living reasonably close to one of the other schools. The local authority will pay the costs of crossing the Cartford Toll Bridge for children and parents/carers needing to access schools on the other side of the bridge, provided that children are eligible for assistance with school transport.

Rural Schools and Sites

Out Rawcliffe CE is designated as a rural school and there is a presumption against the closure of rural schools. Any case for closure should be strong and clearly in the best interests of education provision in the area. Evidence must be provided to show that the proposers have carefully considered:

- Alternatives to closure, including federation with another local school to increase the school's viability; or the scope for extended services to provide local community services;
- The transport implications; and
- The overall and long term impact on local people and the community.

Comment

The transport implications and impact on community have been covered above.

The case for closure is primarily based on the financial viability of the school and its ability to set a balanced budget whilst sustaining sufficient quantity and quality of staff in order to provide a high standard of education for pupils. There is an immediate and urgent issue with the school budget that cannot be addressed through the provision of extended services on the same site, even if suitable services could be found. The school carried forward a deficit of around £29,500 to the 2012/13 financial year, representing around 14% of the Individual School Budget.

The local authority has provided a range of support for Out Rawcliffe CE Primary School over recent years, including financial support for the budget deficit over the last three consecutive years. In the months leading up to the start of stage 1 consultation, local authority officers and officers representing Blackburn Diocese had been in discussion with the governing body over the future of the school. It was the view of the authority and Blackburn Diocese that, unless the school collaborated or federated with another school, the school would be unable to continue in its present form. After considering the feasibility of continuing as at present; collaborating or federating with another school; or consulting on the future of the school, on 22 March 2012 the governing body agreed to pursue the latter option. This is because earlier attempts to secure collaboration with other primary schools had failed. No new offers came to light during the stage 1 consultation process and it is only in the latter stages of the representation period that there was an indication from Out Rawcliffe CE that collaboration with another school may be possible. Confirmation of agreement to a soft federation between Out Rawcliffe CE and Melling St Wilfrid's CE was received from the Chairs of Governors of both schools outside of the representation period and the documentation is attached at Appendix 'B'.

Officers had requested written confirmation from both Out Rawcliffe CE and Melling St Wilfrid's CE governing bodies that they were committed to entering into a hard federation. A hard federation was specifically requested as this requires a statutory process under the School Governance (Federations) (England) Regulations 2012 made under Section 24 of the Education Act 2002 for the establishment of a single governing body for both schools. The process requires consultation with the school community including staff and parents and demonstrates a real commitment to changed governance arrangements to facilitate streamlined decision making across all areas of responsibility including budgetary and staffing decisions.

A soft federation retains the existing governing bodies and a joint committee is established, with representatives from both governing bodies, which makes recommendations to the individual governing bodies on issues such as the budget and staffing. A soft federation is far less robust than a hard federation in terms of decision making around staff appointments and the deployment of staff and budgets. For these reasons, a soft federation does not offer the same level of sustainability for individual schools compared to that offered by a hard federation. A summary of the main differences between types of federations, produced by the National Foundation for Educational Research, is attached at Appendix 'B'.

A number of schools in Lancashire already have soft federation arrangements but the schools concerned are in different circumstances to Out Rawcliffe CE – having larger pupil numbers, more sustainable budgets and being geographically located more closely to their partner school(s).

Whilst the budgetary proposals submitted by Out Rawcliffe CE may be sustainable in the first year of the new formula funding arrangements applying to the Dedicated Schools Grant (DSG) there is no guarantee that this will be the case in future. The amount of lump sum funding per school is only guaranteed for one year by the Department for Education. Any reduction in future years will impact heavily on very small schools with less flexibility in their budget and staffing arrangements.

The submission by Out Rawcliffe CE around a strategy for the delivery of education to pupils in both schools, given the significant distance between the schools (26 miles), did not address concerns around the ability to effectively deal with emergency situations or how, in practice, the school would attract and retain a sufficient calibre of staff to take on the role of assistant head with a full time teaching commitment.

The authority has since received a communication from the Blackburn Diocese stating the Board's position concerning the sustainability of a high standard of education for the school's pupils. The position of the Diocese is that, if the school is to remain open, the only option is a hard federation with another school. A copy of the letter from the Blackburn Diocese is included at Appendix D.

Out Rawcliffe CE Primary School has not provided evidence of providing extended services to the wider community.

Every Child Matters

The Decision Maker should consider how proposals will help every child and young person achieve their full potential: to be safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being.

Comment

If the proposal to close the school is approved, children will be able to access places at surrounding schools with higher Ofsted ratings; therefore the potential to enjoy and achieve and, ultimately, to achieve economic well-being is improved. The ability to make a positive contribution to community and society may also be improved, (the implementation of the proposal should not have a detrimental impact on this); and the safety of children should be unaffected as all schools should be a safe environment.

Equal Opportunity Issues

The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed.

Comment

A full Equality Analysis is attached at Appendix 'C'. There are no sex, race or disability discrimination issues that arise from the changes being proposed.

Community Cohesion and Race Equality

The impact on community cohesion should also be considered by the Decision Maker, taking account of the community served by the school and the views of different sections within the community.

Comment

Out Rawcliffe is a very sparsely populated community and the pupils live some distance away from the school and each other. The closure of the school may impact on friendship groups between pupils and their respective families. However, there is no evidence of a wider impact as the school does not provide a range of extended services for the local community and, therefore the impact of its closure on the community is difficult to measure.

Views of Interested Parties

The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them.

Comment

A summary of written representations are included in the report and will be available for viewing in the Members Retiring Room.

Consultations

Full details of the consultation process are set out in Appendix 'A'.

Conclusions

Following a period of support by the local authority to Out Rawcliffe CE and discussion about the future of the school with the governing body and Blackburn Church of England Diocese, the governing body agreed, at a meeting on 22nd March 2012, to begin consultation on the future of the school. The local authority, therefore, made a proposal to close Out Rawcliffe CE and consulted upon the proposal. A recommendation is now being made for closure based on the following factors:

- rapidly falling pupil numbers over the past five years, from 50 in 2007/08 to 10 in 2012/13;
- little prospect of pupil numbers improving as more recent birth levels are below those for 2007/08 (children that are in the current Reception year) and minimal potential for new housing in the area;
- the school's budget deficit situation for the last three years, which has worsened and is now at around 14% of the Individual School Budget;

- the significant number of surplus places, requiring a disproportionate amount of the schools budget to be spent on fixed costs such as energy and maintenance, rather than on staffing and educational resources.

In considering the impact of the proposal the following additional factors should be considered:

- displaced pupils will be able to attend other surrounding schools that are of a higher quality, as judged by Ofsted, than Out Rawcliffe CE, thereby increasing the potential for improved educational attainment for those affected; and
- the school has not provided evidence of community activities for the rural community it serves and, therefore, the practical impact of closure on the surrounding community is unlikely to be significant.

The Blackburn Diocesan Board's position is that the only option for the school, if it is to remain open, is a hard federation. Since a hard federation has not been agreed to by either Out Rawcliffe CE or the identified partner school then the recommendation is that the proposals should be determined as published: to discontinue Out Rawcliffe Church of England Primary School on 31st August 2013.

Implications:

This item has the following implications, as indicated:

Risk management

The Authority has a statutory duty to secure high quality school places for its residents. A failure to address the falling numbers and consequent concerns around the future educational viability of the school runs the risk of the Authority being seen by DfE and Ofsted to be failing in its statutory responsibilities. Alternative school places can be secured for children affected by the proposed closure at schools with good or outstanding standards of education, as judged by Ofsted.

There are implications for staff employed in the school but the Authority has experience in staff redeployment and retraining and a good record in avoiding compulsory redundancies.

Financial Implications

The closure of Out Rawcliffe CE Primary School would not have an impact on the Dedicated Schools Grant (DSG). Any saving arising from the closure of Out Rawcliffe CE Primary School, remains within the DSG and can then be allocated to the benefit of pupils attending other Lancashire schools. Out Rawcliffe Primary CE School staff would be at risk of redundancy at 31st August 2013 and the cost of the redundancies would fall to the Authority.

Equality and Diversity

A full Equality Analysis is attached at Appendix 'C'.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Written responses received during representation period and beyond.	Oct to Dec '12	Steph Rhodes; Directorate for Children and Young People; Provision Planning Team Tel No: 01772 531957
Reason for inclusion in Part II, if appropriate		
N/A		